

**Records relevant to FOI 2019/0205:***"copies of all cabinet records referring or relating to the introduction of the direct provision system in 2000"*

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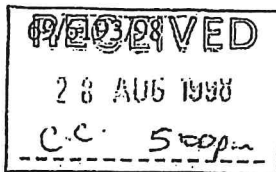
	Description	Date	Release Y/N	Basis of Redaction
1.	Memorandum for Govt - 'Direct Provision of Support for Asylum Seekers'	28/08/98	Part Release	Section 28(2), 31(1)(a) Parts not relevant/outside scope
2.	Appendix 2 - Proposals for Implementation	August 1998	Part Release	Section 28(2), 31(1)(a) Parts not relevant/outside scope
3.	Government Decision re 'Direct Provision of Support for Asylum Seekers'	01/09/98	Part Release	Parts not relevant/outside scope
4.	Memorandum for Govt - 'Direct Provision of Support for Asylum Seekers'	15/09/98	Part Release	Section 28(2), 31(1)(a)
-	Appendix 1 - Statement	September 1998	-	Record in Public Domain
-	Appendix 2 - Press Release	September 1998	-	Record in Public Domain
5.	Government Decision on 'Direct Provision of Support for Asylum Seekers'	03/11/98	Yes	
6.	Extract from Aide Memoire for Govt, dated 26/02/99: - 'Asylum Seekers Update'	26/02/99	Part Release	Parts not relevant/outside scope
-	Appendix - Press Release	February 1999	-	Record in Public Domain
7.	Memorandum for Govt - 'Increase in arrivals of Asylum Seekers'	01/09/99	Yes	
8.	Govt Decision on Increase in arrivals of Asylum Seekers	01/09/99	Yes	
9.	Informal Govt Decision on Asylum Seekers	05/10/99	Yes	
10.	Aide Memoire for Govt – 'Emergency accommodation for Asylum Seekers'	19/10/99	Yes	
11.	Appendix 1 - Table	October 1999	Yes	
-	Appendix 2 - Press Release	October 1999	-	Record in Public Domain
12.	Govt Decision on Emergency accommodation for Asylum Seekers	19/10/99	Yes	
13.	Informal Govt Decision on asylum seekers	09/11/99	Yes	
14.	Aide Memoire for Govt – 'Use of Section 12 of the Public Service Management Act, 1997 to create a cross-departmental team to manage services for Asylum Seekers'	15/11/99	Yes	
15.	Appendix 1 - Technical Note	November 1999	Yes	
16.	Informal Govt Decision on Asylum Seekers	16/11/99	Yes	
17.	Informal Govt decision on Asylum Seekers	30/11/99	Yes	
18.	Memorandum for Govt - 'Asylum and Immigration Strategy'	13/12/99	Part Release	Section 28(2)(a)
19.	Appendix 1 - Report to Govt	December 1999	Part Release	Section 31(1)(a)
20.	Appendix 2 - Aide Memoire on immigration	December 1999	Yes	
21.	Govt Decision on Asylum and Immigration Strategy	14/12/99	Yes	

22.	Memorandum for Govt - 'Asylum, Refugee and Immigration Matters'	04/02/00	Part Release	Section 28(2), 29(1)(a) Parts not relevant/outside scope
23.	Extract from Appendix 1 - Part 2	February 2000	Part Release	Parts not relevant/outside scope
24.	Aide Memoire for Govt - 'Asylum, Refugees and Immigration Matters'	08/02/00	Part Release	Section 28(2) Parts not relevant/outside scope
25.	Govt Decision on Asylum, Refugee and Immigration Matters	08/02/00	Part Release	Parts not relevant/outside scope
26.	Memorandum for Govt - 'Asylum, Refugee and Immigration matters'	27/03/00	Part Release	Section 31(1)(a), 28(2), 42(f) Parts not relevant/outside scope
27.	Appendix 1 - Accommodation (photos)	March 2000	Yes	
28.	Appendix 2 - Options and Indicative Costs	March 2000	Yes	
29.	Govt Decision on Asylum, Refugee and Immigration matters	28/03/00	Part Release	Parts not relevant/outside scope
30.	Aide Memoire for Govt - 'Urgent Asylum Seeker Accommodation Matters'	17/04/00	Part Release	Section 31(1)(a)
31.	Appendix 1 - Draft advertisement	April 2000	Yes	
32.	Govt Decision on Urgent Asylum Seeker Accommodation Matters	18/04/00	Yes	
33.	Memorandum for Govt - 'Urgent Accommodation Issues in Relation to Asylum Seekers'	08/05/00	Part Release	Section 28(2) Parts not relevant/outside scope
34.	Govt Decision on Urgent Accommodation Issues in Relation to Asylum Seekers	09/05/00	Yes	
35.	Aide Memoire for Govt - 'Accommodation for Asylum Seekers: '	19/06/00	Part Release	Section 31(1)(a)
36.	Appendix 1 - Orders made by the Minister	June 2000	Yes	
37.	Govt Decision on Accommodation for Asylum Seekers:	20/06/00	Part Release	Section 31(1)(a)
38.	Aide Memoire for Govt - 'Asylum, Refugee and Immigration Matters'	21/07/00	Part Release	Parts not relevant/outside scope
39.	Govt Decision on Asylum, Refugee and Immigration Matters	25/07/00	Yes	
40.	Aide Memoire for Govt 'on social welfare aspects of the asylum issue'	25/07/00	Part Release	Parts not relevant/outside scope
41.	Memorandum for Government - 'Asylum, Refugee and Immigration Matters - Update'	27/10/00	Part Release	Parts not relevant/outside scope
42.	Annex 1 - extracts from Memo for Cabinet Committee - 'Asylum, Refugee and Immigration Matters'	20/10/00	Part Release	Section 31(1)(a), 29(1)(a) Parts not relevant/outside scope
43.	Note for M/Justice for Government meeting - 'Irish born children of asylum seekers - '	11/02/03	Yes	
44.	Appendix 1 - Letter	20/01/03	Yes	
45.	Appendix 2 - Letter	07/01/03	Yes	
46.	Government Decision on Irish born children of asylum seekers -	11/02/03	Yes	



Oifig an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

MEMORANDUM FOR THE GOVERNMENT



28 August, 1998

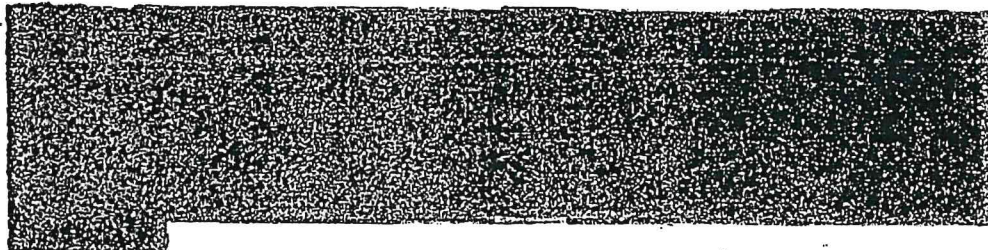
Interdepartmental Committee  
on Immigration, Asylum and Related Issues

Direct Provision of Support for Asylum Seekers

1. Decision sought

The Minister for Justice, Equality and Law Reform asks the Government to

- decide in principle that asylum seekers are to have their basic needs met through direct provision.



- continue the Interdepartmental Committee in being, expanded to include the relevant expertise, to work out the precise means of direct welfare provision for asylum seekers.
- note that the Minister will put proposals to the Government at the end of September regarding which Government Department should take overall responsibility for direct provision.

- approve the draft announcement on these matters at Appendix 1.

2. **Background**

The Government decided to reconvene the Interdepartmental Committee on Immigration, Asylum and Related Issues on 23 June to examine, amongst other things, the question of direct provision. The Committee made an interim report on 20 July and the Government decided that it should report again before the end of September. The Group has met on 5 occasions since then on 31 July, 10 August, 14 August, 20 August and 27 August and has produced a document outlining the issues surrounding the question of direct provision for asylum seekers (attached at Appendix 2).

3.

4. **Direct Provision**

Direct provision involves elimination of living expenses by estimating the everyday goods and services required by the individual, and supplying them directly. As such direct provision can incorporate a broad range of approaches, one of which is to provide for needs in a communal setting. It does not necessarily imply, nor would the Minister favour, the creation of large scale reception centres, but could involve a mixed approach with a high level of private sector/non-governmental organisation involvement.

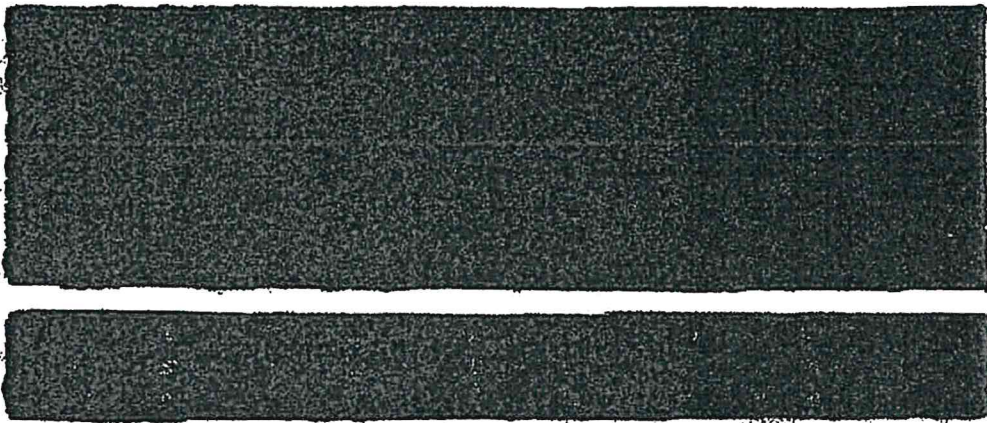
5. **Rationale for Direct Provision**

There are good grounds for believing that the nature of welfare provision in Ireland is acting as a "pull" factor, irrespective of developments in the UK. There is also already clear evidence that a high proportion of asylum seekers arrive here from the U.K. However, the prospect that the UK is to move towards non-cash support could, in the context of the Common Travel Area, have very significant displacements

effects for Ireland. Under such circumstances, persons whose principal motivation is economic and who might otherwise have applied for asylum in the UK are likely to be attracted to Ireland's continuing cash based approach. If even a small proportion of those applying to the UK (41,500 persons in 1997) applied instead in Ireland (3,885 applications in 1997), the impact would have major exchequer cost consequences and could completely overwhelm existing processing resources. It is therefore important to ensure that there is consistency in the general means of welfare provision for asylum seekers within the Common Travel Area between the UK and this jurisdiction.

The proposal should be seen as complementary to the other initiatives underway in relation to asylum and immigration policy, including the allocation of additional resources to significantly reduce processing times and the overhaul of the immigration legislation on which work has commenced.

#### **6. Legal and Constitutional Issues**



#### **7. Operational Considerations**

While there would be no major legal impediment to extending direct provision arrangements to asylum applicants already in the jurisdiction, it was felt unwise to move in this direction on pragmatic grounds - the logistics of housing and feeding 6,000 people immediately would be considerable (and the needs of these people are of course already being met adequately). Accordingly, the direct provision approach would be applicable to those making an application on or after the date of the Government announcement.

#### **8. Implementation & Management of Direct Welfare Provision for Asylum Seekers**

Government agreement is being sought for the Committee to continue its work in examining the detail of specific proposals, expanded to include such expertise as is felt necessary (it might, for example, be advisable to include the Departments of Health and Children and Defence in the Committee's membership). The attached

paper contains analysis of some of the direct welfare provision options available, as well as outlining some of the candidates for management of such a scheme.

The Minister believes that the Departments and agencies with current funding in the area of welfare provision should continue to bear the financial costs involved from their resources and that they should provide a substantial management input into the work of the cross departmental steering group to manage direct provision arrangements. The Minister's Department would be willing to play a very active role on such a group.

In this regard the Government is asked to note that the Minister will report by the end of September with recommendations regarding who should take responsibility for direct provision.

## **9. Cost Implications**

The paper discusses the question of the cost of a direct provision ( section VII ) scheme but the Committee was reluctant at this early stage to estimate the cost per person under direct provision. It is acknowledged that the unit cost of provision is unlikely to be lower than under current arrangements and might indeed be higher. The most important cost issues arising, however, relate to the probable costs arising from disproportionate increases in applications due to a change in UK arrangements. The current cost of asylum seeker maintenance is £60m, for in the region of 6,000 persons. If 10% of annual applications in the UK were diverted to Ireland as a result of the change in that State's welfare arrangements, the annual additional cost for the Irish exchequer could be £40 m.

10.

11.



12.

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

## Appendix 2

### Direct Provision of Support to Asylum Seekers: Proposals for Implementation

#### I. Background

The volume of people entering the country to seek asylum has increased markedly in recent years, and continues to increase with approximately 100 new applications made per week. The current high level of asylum applications is beyond what would be regarded as normal, having regard to this country's geographical situation and direct travel routes, and to the lack of new displacement factors (civil wars, political upheavals etc.) that would account for the trend ( a comparative analysis of recent application statistics is at Attachment A). It is apparent that there are strong "pull factors" that attract asylum seekers to Ireland, including the relatively generous and unconditional nature of the social welfare system and, hitherto, the lengthy periods of time associated with the processing of asylum applications. Other factors such as the broad social and cultural environment may also have contributed to Ireland's attractiveness as a location. It appears that many of the asylum applicants arriving in this country have been in other EU countries for some time before coming to Ireland. It is now accepted at EU level that if a Member State's support system is significantly out of line with that of its neighbours, it will attract a higher number of asylum seekers: in contacts with other authorities, the point has been made repeatedly that the cash-based nature of our current arrangements is a major attraction.

A tightening up in asylum procedures elsewhere in the EU would also contribute to the increased attractiveness of making an asylum claim in Ireland, insofar as economic migration decisions were concerned. The announcement by the UK Home Secretary on 27 July last of his Government's proposals to move towards non-cash supports for asylum-seekers could, therefore, have significant implications for the volume of new asylum applications in Ireland, particularly in view of the Common Travel Area in operation between the UK and Irish jurisdictions. It is believed that the last significant change to UK benefit arrangements in 1996 contributed to the increasing number of asylum claims lodged in Ireland since that time. This most recent development makes it important and urgent that practicable proposals for non-cash provision of support to asylum-seekers, consistent with those proposed for the U.K. be considered with a view to achieving cost containment, particularly over the medium to longer term, and in terms of the impact on the numbers of future arrivals.

## **II. Purpose of this paper**

This paper sets out the principal considerations that would underlie this approach, and puts forward a number of specific proposals. It should be emphasised that any initiatives in this area would have to be implemented as part of an overall coherent strategy for handling asylum cases, and would be complementary to both (a) the speedier processing regime, including appropriate follow-up arrangements in respect of failed applications, and (b) the programme of legislative reforms in the immigration and citizenship area which is currently underway.

An attempt has been made to synthesise the views of the relevant Departments on direct provision and to flag the key areas of agreement and disagreement.

It is generally agreed that it should be possible in principle to introduce direct provision without contravening international or other legal obligations, particularly if such a move was in harmony with developments elsewhere in the Common Travel Area. There is a very real risk that a difference in the means of welfare provision within the CTA would result in persons whose principal interest is economic and who might otherwise have applied in the UK deciding to apply in Ireland instead.

It is the case however that difficulties are as likely to arise from the detail of proposals or the manner of their implementation as much as from the principle of direct provision in itself. There is therefore a reluctance on the part of some Departments to approve specific proposals in the absence of greater details. Furthermore, in view of the significance of developments in the U.K. to the legal justification for introducing direct provision, it is the view of some Departments that specific initiatives should not be approved until such time as the detail of the U.K. arrangements are announced.

While it is agreed that the operational implementation of direct provision arrangements would be complicated and would require significant administrative effort there are, understandably, no volunteers for the task. The various candidate Departments are identified in the text.

## **III. General Principles of Approach**

Ireland has a clear responsibility to provide internationally acceptable standards of humanitarian care for those whose asylum claims are pending, and there is a moral onus to provide adequately for the broader social needs of asylum-seekers and their dependants to the greatest extent practicable. A significant number of other countries provide (or are moving to provide) support for asylum seekers separately from their mainstream welfare system. In Ireland, in the absence of any specific arrangements designed to cater for asylum applicants, and reflecting the terms of our social welfare code their needs are addressed primarily through the Supplementary Welfare Allowance (SWA) system which provides a basic weekly payment, together with access to SWA Rent Supplementation, Urgent Needs Payments and Exceptional Needs Payments. The local authorities are also responsible for

providing/funding emergency accommodation until such time as asylum seekers get rent supplements towards the cost of private rented accommodation.

Against the background of the perception that the nature of this approach to asylum seekers is more attractive than in other EU States, and in the light of the proposed introduction of direct provision for asylum seekers in the U.K., the question arises whether these arrangements are appropriate as a means of catering adequately for the needs of asylum applicants (including, where necessary, the needs of their families) whose claims are pending; or whether alternative forms of support based on direct provision are more appropriate.

In considering this question, regard must be had to a number of operational principles:-

- (a) The approach to dealing with asylum seekers must be compatible with legal and constitutional requirements, and must be sufficiently robust to withstand challenges on these grounds.
- (b) A primary consideration must be that any system of delivering support to asylum-seekers must be effective in meeting their humanitarian needs, and should address their broader social needs to the greatest extent practicable.
- (c) The approach adopted must be cost-effective, that is, must deliver the required level of support while minimising the cost to the Exchequer as far as possible.
- (d) A related point is that the form of support chosen should be administratively efficient and sufficiently flexible to cope with evolving situations.
- (e) Any incentive effects associated with the particular form of support must be considered carefully - ideally, persons genuinely in need of protection should face no disincentive to making an asylum claim in Ireland, whereas those motivated solely or mainly by economic factors should have no strong incentive to journey to Ireland to make their claim.
- (f) Related to the previous point, cognisance should be taken of international practice in providing support for asylum-seekers, with particular regard to practice in our near neighbours in the EU. As a general rule, arrangements in place in Ireland should not be so lenient or generous, relative to our neighbours, as to constitute a strong economic incentive.
- (g) There is a need to avoid measures that would contribute to marginalisation or exacerbate social/racial tensions.

#### **IV. Direct versus Indirect Provision - General Considerations**

Indirect provision involves payment of a cash sum to an individual, to enable them to meet their normal living expenses. Direct provision involves elimination of living expenses to the extent possible, by estimating the everyday goods and services required by the individual, and supplying them directly. Forms of direct provision range from providing support in a communal/ institutional environment to voucher-based provision, or to combinations thereof.

The advantages and disadvantages of the direct provision approach, relative to indirect provision, are as set out below.

##### **Advantages**

- (a) An effective direct provision system would be the most convenient and straightforward way, from the beneficiary's perspective, of ensuring that the full range of humanitarian needs are met (i.e. it would be more convenient to have one's needs provided comprehensively and directly at one centre rather than having to arrange them yourself, particularly in a foreign country where language and cultural difficulties might be experienced), although some individuals might dislike the lack of flexibility this entails.
- (b) The cashless, non-discretionary nature of comprehensive direct provision would minimise any incentive effects that could reasonably be assumed to influence economic migration decisions.
- (c) The supervision of asylum seekers, in regard both to their general welfare and to the ongoing status of their asylum application, could be facilitated by direct provision of support.
- (d) There could be administrative and communication improvements for the authorities in processing the asylum application as speedily as possible.
- (e) Direct provision may be less susceptible to social welfare fraud (e.g. double-claiming) than indirect provision.
- (f) Direct support could be more cost-effective, insofar as it could be provided at a level that met the humanitarian obligations to asylum seekers, rather than the much broader range of social inclusion and other needs provided under the mainstream social welfare system.
- (g) Removing cash from the means of provision would reduce the potential for trafficking by eliminating one of the sources through which traffickers recoup their charges.

##### **Disadvantages**

- (a) Initially at least, additional administrative resources would be needed to design and implement a new direct system.
- (b) Direct provision of accommodation could be difficult without an initial capital outlay. Ongoing running costs (staffing, security etc.) would also be involved and would



necessitate specialist skills such as language capacity, expertise in cultural, ethnic or religious requirements.

- (c) If proper standards of support and supervision are to be provided, any savings from introducing direct provision are likely to be small unless significant economies of scale could be realised. Indeed, it is probable that the additional administrative costs of the direct provision approach would outweigh any savings, assuming no change in the overall number / rate of increase of asylum seekers.
- (d) Cash provision enables beneficiaries to decide for themselves on their own needs and priorities; direct provision is more inefficient in this regard.
- (e) If perceived to be less generous than mainstream social welfare support, direct provision might be represented as a second-class social welfare service for asylum applicants. Direct provision might also, therefore, be open to legal challenge as a form of invidious discrimination.
- (f) Unless the direct provision of accommodation were appropriately handled, there could be adverse public and political reaction. The provision of purpose-built communal centres would require planning permission. Centres could become the focus of local opposition and, possibly, for attacks on asylum seekers, particularly if such centres were located in areas already suffering from social deprivation.
- (g) In taking responsibility for the accommodation and care of asylum applicants, the State would be creating a new source of potential liability claims in the future, with associated significant cost risks.

In summary: the indirect provision approach has advantages from the point of view of flexible, efficient and high-quality customer service, but has shortcomings in terms of the related incentive effects, control issues and overall cost. The direct provision approach has the advantages of demonstrably meeting humanitarian needs to an acceptable standard, while curtailing possible incentive effects; but this approach could require significant administrative and financial resources, initially at least.

## **V. Administrative Considerations in the Design of a Direct Provision System**

Apart from general issues of principle, regard must be had to a number of administrative, legal and practical considerations that would underlie a direct provision system.

### ***1. Legal / Constitutional Issues***







[REDACTED]

2. *Extent of Direct Coverage* A comprehensive direct provision approach would cover all humanitarian needs - accommodation, nutrition, clothing, basic healthcare. Other necessary supports could be accessed in the normal way: education for children, community engagement. A more limited version of direct provision would supply food and clothing (whether directly or by means of vouchers), rent supplementation paid direct to a landlord, and possibly a small cash allowance to allow the individual to assess and meet other everyday needs.

3. *Accommodation Provision*

In considering how to provide accommodation for asylum seekers, regard must be had to the need for forms of accommodation that are appropriate to different family circumstances and to ethnic, cultural and religious differences, as well as to the desirability of distributing the accommodation provision to urban centres throughout the country. It should also be borne in mind that D/JELR's clear objective is to reduce processing times from years to months; one result of this approach, which is being implemented at present and facilitated with considerable extra resources, is that accommodation requirements are likely to be short-term rather than long-term in nature.

Approaches to accommodation provision range as follows:

- (i) providing/ funding emergency ( generally bed and breakfast) accommodation;
- (ii) payment of rent supplements towards the cost of private rented accommodation
- (iii) providing accommodation directly on a communal/ institutional basis (whether in new premises or in existing buildings such as vacated army barracks, hospitals etc.); and
- (iv) providing emergency-type shelter on, for example, army premises or other suitable sites.

Option (iv) would seem a last resort, to which the authorities would have recourse only if faced with a sizeable influx of asylum applicants who could not be accommodated in any other way. Options (i) and (ii) reflect the current practice which, while administratively straightforward, may not be the most cost-effective approach in the current housing climate, and saturation point seems to be almost reached at this stage. Option (iii) would have administrative attractions if the initial resource implications could be addressed.

It could be argued that constructing new accommodation for asylum applicants would not be cost-effective, as it would amount to taking a long-term approach to a problem that is anticipated to be short-term in nature. On the other hand, there is no guarantee that the problem can be resolved in the short term: the experience to date is certainly not encouraging in this regard. In addition, communal accommodation would be readily adaptable to other social service purposes (such as SWA-subsidised or emergency accommodation), for which there is an ongoing demand, as such accommodation became available. Finally, however, it should also be borne in mind that localised, institutional arrangements for accommodating asylum seekers might be expected to give rise to local opposition unless handled sensitively.

It should be borne in mind when considering the need and the cost of providing new accommodation that the number of asylum seekers, in both emergency and private rented accommodation, is putting considerable pressure on such accommodation, particularly in the Dublin inner city area, where asylum seekers are largely concentrated. This is adversely affecting the availability of both emergency and private rented accommodation for indigenous people, both homeless and other wise and is considered to be a factor in the escalation of rents.

#### *4. Management of Direct Accommodation Provision*

With regard to a possible communal/ institutional approach to direct provision, the issue of management and responsibility falls to be considered. The first option is for the responsible Department/Agency to identify existing buildings (such as army barracks, hospitals, disused holiday accommodation etc.) that could be adapted to the purpose at hand. A fall-back or complementary approach is to develop new accommodation, most likely by contracting a private operator to build and/or manage an accommodation centre. Whatever approach is adopted, the question of accountability would need to be determined in advance. Responsibility for overseeing the direct accommodation arrangements could lie with any of the Department of Justice, Equality and Law Reform (responsible for the processing of asylum applications, and arguably for providing humanitarian care for applicants while their right to stay in Ireland is being determined); Department of the Environment and Local Government (since local authorities play a role in providing emergency-type accommodation to asylum-seekers and other groups); the Department of Social, Community and Family Affairs (since provision of support to asylum applicants could be viewed as a social welfare issue) and Department of Defence ( as an agency with both premises and experience of direct provision).

#### *5. Provision of Services in a Communal Environment*

In addition to the provision of accommodation in itself, direct provision in a communal environment might involve provision in kind of such services as food and clothing, although some miscellaneous personal items could be funded via small 'pocket money' payments. Arrangements for the provision of food would have to meet nutritional standards and have regard to a reasonable extent to legitimate cultural/ethnic needs and tastes. Similarly the quality and acceptability of the clothing offered would have to meet certain standards, although if processing is reduced towards 6 months provision of clothing should not present the same burden as food might. In administrative terms the provision of these services would be complex and would require specialist skills such as language capacity and expertise in the area of ethnic, cultural and religious preferences. Arrangements would also have to be made for food procurement, storage and preparation all of which would be staff-intensive. Having regard to the State's prior experience of the cost and complexity of direct provision in such areas as the health services, the army and the prisons, one approach might to minimise direct State involvement. Contracts could be negotiated with private sector organisations including voluntary non-governmental agencies to provide a specified standard of service on a cost per



'person week' basis. These organisations could benefit from a more flexible approach, adapting to their location and particular client needs. However, even this minimalist approach would be complicated and would and the State would require specialist advice and monitoring of the adequacy of provision.

#### 6. *Timescale for Implementation*

Given the increasing pressure on the accommodation side in particular, it would be appropriate to decide upon and to implement any new arrangements as early as possible. If it were decided to implement a direct provision system, arrangements should be put in place immediately. The timescale between deciding upon the adaptation/ construction of an accommodation centre and its implementation (having regard to time needed to identify a site; submit a planning application; and design and build a centre) would be of the order of eighteen months to twenty-four months. The Department of Finance is of the view that this period could be shortened considerably (by six months to a year) if pre-fabricated options were acceptable. The availability of existing buildings/centres that could be readily adapted for accommodating asylum seekers, could also shorten the timescale to within a year. On the basis of its experience in this field, the D/Environment and Local Government is of the view that this timescale appears optimistic and that local communities would be likely to object to accommodation centres for asylum seekers being provided in their areas. This could be pursued even to judicial review. The Committee considered the potential for use of the planning 'security exemption' and concluded that it would not be possible to invoke it in these circumstances.

#### 7. *To Whom Would Direct Provision Apply?*

If it were decided to implement a direct provision system, to which categories of person would the new system apply? The most logical option would be to transfer all asylum applicants from their current arrangements to the direct provision system. Given the numbers of existing applicants, and given the length of time many such people have been resident in Ireland, it might be more practicable and more humane to bring only more recent applicants within the scope of the new arrangements. Applying direct provision to long-standing asylum seekers would be open to the criticism that it would involve relocation and disruption of family life. The Attorney General's Office has advised that it is unlikely that a general legitimate expectation exists in relation to all welfare recipients that the system will not change and has noted that an element of retrospection is probably already allowed under the Social Welfare Acts. Nonetheless, it is not clear that the same rational legislative aim applies to those who have already arrived as those who are already on the move. The minimalist option is to leave all existing asylum applicants in their current arrangements, and apply the direct provision system only to new applicants. While this last option could lead to the perception that the direct provision system was in some way inferior or inadequate, the preferred approach of the Committee is that direct provision should principally apply to new arrivals.



#### 8. *Processing Time*

The Department of Justice, Equality and Law Reform is of the view that, subject to successful recruitment of the additional resources approved by Government it should be possible to substantially reduce the processing time for most asylum applications. Based on the current level of applications the processing time for most applications, including appeals, should reduce towards 6 months from date of application. It is therefore unlikely that individuals will need to be provided for through direct means for more than this length of time, unless of course they frustrate processing or seek to extend their stay through judicial review. It is envisaged by the Department that once a claim has been determined the person will either be granted status and admitted to the mainstream welfare and integration services or asked to leave the State.

There is no reason why access to the asylum determination process, including translation and legal service should in any way be undermined by this particular means of welfare provision. In fact use of communal facilities might be beneficial in terms of delivery of these services to applicants. Communal provision would also have some benefits in terms of management of the caseload, particularly if it had the effect of restricting movement ( the present transitory nature of many applicants presents difficulties in arranging interviews etc. ) but regard should be had for the view of the Garda representative on the Committee that a large number of smaller centres would be preferable from a control perspective to a few large ones.

#### 9. *International Practice*

Administrative arrangements for dealing with asylum applicants are being tightened up across Europe with a view to minimising incentive effects and to shortening processing times. Of most relevance to Ireland is the UK situation because of its proximity and also the ease with which persons can travel within the Common Travel Area, even if not entitled to do so. The UK authorities have announced that they are moving away from cash provision in favour of direct provision for asylum applicants. This development will obviously affect, in relative terms, the attraction of Ireland to some categories of asylum applicant, and calls for an appropriate response from the Irish authorities as a matter of urgency. As stated earlier, the principle should be that asylum seekers should seek asylum in the first safe country which they reach, rather than have an incentive to traverse safe countries for the economic benefits of making an application in Ireland.

### **VI. Direct Provision by way of Vouchers - Specific Considerations**

The use of vouchers would carry with it certain of the advantages and disadvantages associated with direct provision generally. There are also some specific additional points that fall to be considered in this context.

### Advantages

- (a) Vouchers can provide better targeting on specific needs than cash provision. A "budget standard" of nutrition, clothing, utilities etc. can be determined to ensure that the needs of beneficiaries are fully catered for.
- (b) The specific nature of vouchers means that, in principle at least, they have little or no value outside of their appropriate context; this inflexibility could frustrate abuse of the system, including double-claiming and trafficking.
- (c) Voucher provision would involve lower levels of legal liability for the State than direct provision of such services as food and clothing.
- (d) It would be easier to express the value of vouchers in cash terms and therefore to assert direct equivalence with other welfare arrangements
- (e) By allowing an element of choice and flexibility for beneficiaries, vouchers may be more acceptable to recipients than provision in kind.
- (f) Provision of food and clothing through vouchers could be administratively easier than provision of these benefits directly.
- (g) Vouchers offer more flexibility for the State in providing for the needs of particular minority groups than having to put in place very specialised arrangements in kind.

### Disadvantages

- (a) Significant additional administration costs would be involved in production of vouchers. Security printing services in Ireland currently operate virtually at full capacity in producing social welfare material. Other administrative costs would arise from distribution, reimbursement and reconciliation.
- (b) Agreements/ contracts would need to be settled with retailers to ensure adequate acceptability of vouchers. The success of a voucher system would depend greatly on the goodwill of retailers for whom such a system would involve additional administrative costs and effort.
- (c) The extra administrative resources involved with implementing a new voucher system would be superfluous if a direct approach to accommodation provision were settled upon, as such an approach would lend itself to direct supply of food, clothing etc. in the communal/ institutional environment.
- (d) There is the possibility that users of vouchers could be subject to stigmatisation.
- (e) In allocation terms, vouchers are inflexible and inefficient relative to cash.
- (f) Asylum seekers, particularly those with poor language skills, may be exploited by shopkeepers when seeking goods in return for vouchers.
- (g) Vouchers would be particularly susceptible to forgery and the development of a black market in vouchers, with associated costs, would seem inevitable.
- (g) Asylum seekers who report their vouchers lost or stolen to a Community Welfare Officer might benefit from either a cash payment or replacement vouchers.

In this regard it should be noted that the Department of Social Community and Family Affairs, which has experience of operating voucher systems, is opposed to their use in this context.

Other more general administrative considerations in regard to the use of vouchers include the following:

*1. Scope of vouchers*

What goods and services would be covered by vouchers? What foods, types of clothing, utilities? How would different ethnic food requirements/ preferences be catered for? These questions are more easily posed than answered, and a good deal of administrative effort would be needed to ensure that the balance of goods was appropriate for each family type. This issue reflects the disadvantage mentioned at (e) above: cash provision allows the family to determine and meet their own needs, whereas voucher provision requires normative decision-making at administrative level. One possible solution would be to provide vouchers for the basic necessities - bread, butter, milk, vegetables etc. - and supplement this voucher provision with a cash allowance. To the extent that this mixed approach is adopted, the benefits of the voucher approach (relative to the straightforward cash approach) begin to diminish.

*2. Value or Product Denominated Vouchers*

An alternative approach is to issue vouchers for cash amounts rather than for specific products or services. The only advantage of this approach over simple cash provision is the extra opportunity for control. For example, time-limited vouchers, which could only be redeemed before a certain date, would not have the same attractions as cash, which can be used to build up savings or transfer resources elsewhere.

*3. Family Equivalence Issues*

Voucher provision would have to be based upon a number of assumptions regarding the relative needs of different family types. There are few clear guidelines on this complex issue at present.

*4. Responsibility for issuing Vouchers*

The question needs to be considered of which Department/ Agency should take the lead in designing, financing and implementing a voucher-based system. The candidates would be as set out above in regard to responsibility for direct accommodation provision (although the Department of Environment and Local Government considers that the provision of vouchers does not come within the functions of local authorities), with the addition of the Department of Health and Children, since Health Boards are responsible for providing SWA payments to asylum seekers at present.

## **VII. Evaluation of Costs**

The cost of providing SWA to asylum seekers in 1998, including rent supplement is approximately £40 m. In addition the cost of emergency accommodation is £15 m and other State expenditure brings total 1998 expenditure including staffing to in the region of £60 m. The unit cost of maintaining one asylum seeker (on the basis of 6,000 persons) is therefore approximately £10,000 per annum.

The rate of growth in applications is difficult to forecast and is likely to be subject to a range of factors. The UK is forecasting an increase of approximately 17% on its applications in 1998/99.

The number of applicants to the UK in 1997 was 41,500 . If even a small percentage of applications were diverted from the UK to Ireland as a result of a difference in means of welfare provision the costs would be significant. Diversion of 10% of applicants would cost in the region of £40 m.

The Committee was not prepared to estimate at this early stage the cost of various direct provision options. It is accepted that the unit cost of provision under a non-cash based approach might be more expensive than through cash provision. The view of the Committee, however, is that comparisons of cost should refer not to the cost associated with the current level of applications but with the potential level of applications after a change in UK welfare arrangements. It is very likely that the cost of additional applications in Ireland would far outweigh additional unit costs under direct provision. The direct provision approach might produce net benefits in time if some of those already attracted to Ireland by cash provision were dissuaded by a direct approach.

The question of cost obviously requires further detailed consideration by the Committee.

## **VIII. Summary and Conclusions**

The above analysis illustrates that making the transition to a direct form of humanitarian provision for asylum applicants must be informed by a broad range of considerations, including issues of practicality as well as issues of principle. While indirect forms of provision have attractions in terms of administrative convenience and quality service to asylum applicants, direct provision would appear to offer a potentially more cost-effective way of addressing humanitarian needs, while minimising any undue incentive effects. The question to be decided is where the balance of advantage lies between these two approaches.

### Direct or Indirect Provision?

As outlined above, the current level and inflow of asylum applicants is super-normal, having regard to our geographical position and to the absence of significant new displacement factors, and developments in the UK have made it imperative that decisions on the form of support for asylum applicants be taken as a matter of urgency. Whatever the precise explanation for the increasing volume of asylum applications, there is a strong case for arguing that the immediate priority must be to process the outstanding asylum applications as speedily as possible and to contain the cost dimensions of providing necessary humanitarian care. As pointed out above, a direct provision approach would have attractions from the point of view of both cost-control and incentive effects. The attractions of indirect provision, in terms of providing high-quality customer service and ease of administration as part of mainstream social welfare services, would appear to be outweighed by the priority that must be accorded to the necessity for cost containment at this time.

Accordingly, the most appropriate response to the current situation seems to be to investigate the direct provision approaches with a view to early implementation, over a one- to two-year time period at most. Based on the analysis set out above, **it is recommended that a clear indication should be given of the Government's intention to move to a direct provision approach for asylum applicants, subject to the detailed proposals being vetted thoroughly for compliance with international and other legal obligations.**

**It is agreed that the administrative details (including the specific question of what categories of asylum seeker should come within the scope of the new arrangements) should be subject to further immediate consideration, taking into account the important legal issues identified.**

### Voucher-Based or Communal/ Institutional Provision?

Members of the Committee differ on the relative merits of voucher-based and communal/ institutional forms of direct provision. One analysis strongly suggests that the two options are mutually exclusive: quite separate and novel forms of administrative arrangement are called for in each case, and the marginal benefits of applying a voucher system while an institutional system is already in place (or vice versa) appear quite small.

From this perspective, the question to be addressed, therefore is whether voucher based or institutional provision is to be preferred and it is argued that having regard to the factors detailed above, it appears that the considerable difficulties associated with a voucher-based approach would outweigh the advantages. Indeed, the most that could be hoped for would be a mixed cash- and voucher-based system, with accommodation costs treated separately: thus maximising the overall administrative resources needed and reducing the benefits obtainable. The institutional provision approach has the potential to provide a holistic form of direct provision, obviating the need for a separate voucher system (as humanitarian needs such as food and clothing could be directly supplied) and securing maximum administrative efficiency.

The Department of Environment and Local Government does not agree that communal direct provision/ vouchers are mutually exclusive. It is of the view that a mixed approach has



benefits and that there might be a role for vouchers, particularly at early stages in the process, and that a final decision should not be taken without closer examination of other options in the light of the precise approach being taken by the UK. It might be possible to have direct provision of accommodation only ( in hostels, specific premises, etc.) alongside vouchers.

The D/JE&LR is not convinced of the need to move directly to large purpose built communal centres and that intermediate options, with a high level of private sector involvement should be the first option pursued.

The D/FA has expressed concerns regarding the use of vacated army barracks in terms of their possible characterisation as 'camps' and their association with detentions centres such as those on Spike Island and in the Curragh. It has suggested that the role of religious institutions should be explored and that the main churches should be consulted on this issue and invited to contribute

Accordingly, **it is recommended that the communal/ institutional approach to direct provision be considered further by the Committee.** Steps should be taken at an early stage to evaluate the various options and begin implementation.

#### Responsibility and Accountability Issues

The question of which Department/ Agency should assume responsibility for the new arrangements is unlikely to be resolved at Committee level, given the very considerable additional administrative effort which would be entailed for the agency involved.

One argument is that direct provision is simply a substitute for mainstream social welfare provision, and should therefore be administered by D/SCFA. Alternatively, local authorities might reasonably exercise a role in this regard, consistent with their current role in providing emergency accommodation for asylum seekers, although on a more structured basis. Neither Department accepts that it should take on this additional specialised role. The D/E&LG takes the view that the Department/ local authorities have neither the responsibility nor the capacity to assume a role in the direct provision of accommodation/ services to asylum seekers in a situation in which asylum seekers are removed from the standard welfare and housing systems.

Perhaps most plausibly, it could be argued that the institutional care of asylum applicants is a component part of the processing of the asylum claim and should be administered accordingly by the D/JELR. This approach would reflect the good administrative principle that the body responsible for processing a claim should bear any costs associated with the delay in the processing. It is noteworthy that the UK has decided to adopt such an approach, with proposals for "a single budget for asylum seeker support costs" to be managed by the Home Office. The D/JE&LR is not in a position to accept this argument and takes the view that welfare provision is a field in which it has limited expertise and that the level of criticism of the initiative and the degree to which it is interpreted as a repressive measure will be directly related to the extent to which the Department is involved. The involvement of the

Home Office in the U.K. is one component of a budget agreement with the Treasury not necessarily appropriate to Irish circumstances and which the Department is not convinced represents the best approach to handling this issue. The D/JE&LR believes that the Departments and agencies with current funding and expertise in the area of welfare provision should continue to bear the financial costs and that they should provide a substantial management input into the work of the cross departmental steering group to manage direct provision arrangements. The D/JE&LR would be willing to play a very active role on such a group.

The D/Finance is of the view that it would be essential that a single Department should have overall responsibility for management of direct provision.

This broad issue will be the subject to further discussion and a submission to Government.

*Interdepartmental Committee on Immigration Asylum and Related Issues  
August 1998*

S180/20/10/0122

1 Meán Fómhair, 1998.

An Rúnaí Príobháideach

An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

I am to refer to the memorandum ref. 69/6193/98 dated 28 August, 1998, submitted by the Minister for Justice, Equality and Law Reform concerning the direct provision of support for Asylum Seekers and to inform you that, at a meeting held today, the Government

- (1) decided in principle that asylum seekers are to have their basic needs met through direct provision;
- (2) decided that the Interdepartmental Committee on Immigration, Asylum and related issues will continue in being, expanded to include the relevant expertise, to work out the precise means of direct welfare provision for asylum seekers;
- (3) noted that
  - (a) the Minister will submit proposals to the Government regarding which Government Department should take overall responsibility for direct provision and
  - (b)

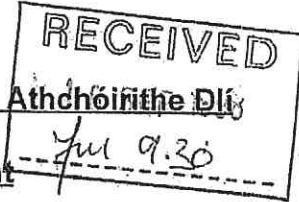
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**Peter Ryan**  
Rúnaí Cúnta an Rialtais


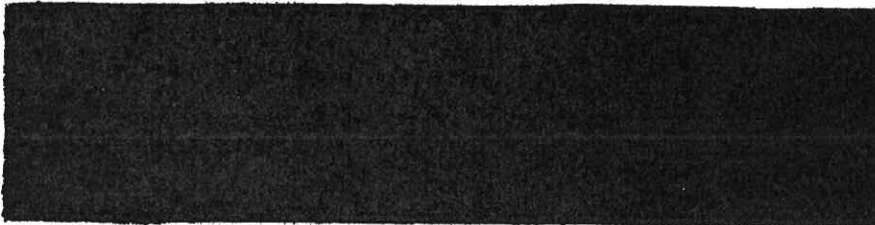




Summary

15 September, 1998.

Decision sought

1. The Minister for Justice, Equality and Law Reform asks the Government to
  - (a) decide that
    - (i) 
    - (ii) 
  - (b) approve the draft announcement at Appendix I on these matters and those dealt with in the Minister's Memorandum for the Government of 28 August, 1998. (Paragraph 1.)

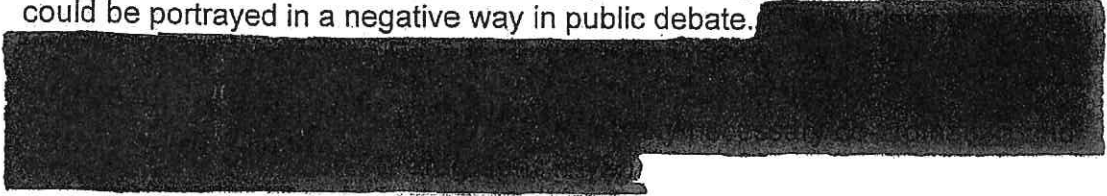
Background

2. On 1 September, 1998, the Government decided, inter alia, that asylum seekers are to have their basic needs met through direct provision and their request to the Minister to submit proposals by mid-September regarding which Government Department should take overall responsibility for this. The Government also decided that no announcement would be made about their decision until the matters in question had been further considered by them on foot of the Minister's submission. (Paragraph 2.)

Reasons for the Minister's proposals

3. The Minister considers that it is important that an announcement is now made which would inform persons applying for asylum from now on that their needs may at a later stage be met through direct provision. (Paragraph 3.)
4. He considers that responsibility for direct provision should rest with one of the service providing Departments rather than with his Department. If his

Department were to be given responsibility, the changeover to direct provision could be portrayed in a negative way in public debate.



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Oifig an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí


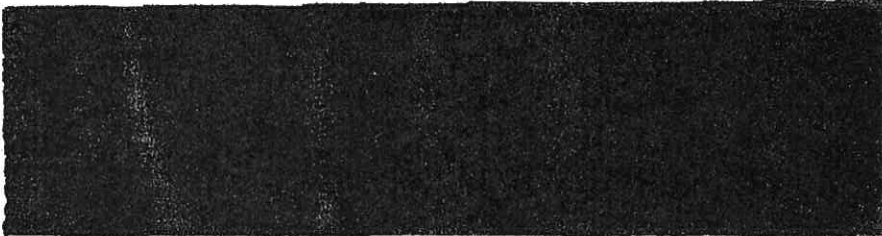
Memorandum for the Government

69/6193/98

15 September, 1998

DIRECT PROVISION OF SUPPORT FOR ASYLUM SEEKERS

Decision sought

1. The Minister for Justice, Equality and Law Reform asks the Government to
  - (a) decide that
    - (i) 
    - (ii) 
  - (b) approve the draft announcement at Appendix I on these matters and those dealt with in the Minister's Memorandum for the Government of 28 August, 1998.

Background

2. On 1 September, 1998, the Government decided, inter alia, that asylum seekers are to have their basic needs met through direct provision and the Interdepartmental Committee on Immigration, Asylum and Related Issues would continue in being, expanded to include the relevant expertise, to work out the precise means of direct welfare provision for asylum seekers. The Government requested the Minister to submit proposals to them by mid-September regarding which Government Department should take overall responsibility for direct provision. The Government also decided that no announcement would be made about their decision until the matters in question had been further considered by them on foot of the aforementioned submission by the Minister and the submission of a draft overview document on asylum and related questions which the Minister's Department proposes to

prepare. Subsequent media speculation forced the Minister to issue a statement (attached as Appendix 2) clarifying the position on direct provision.

#### Reasons for the Minister's proposals

3. He now seeks Government approval to issue the statement at Appendix 1 and, in particular, he does not wish to await the preparation of the overview document which will not be ready for some time and which is not closely relevant to the direct provision issue. In the Minister's view, it is very important that persons applying for asylum from now on are informed that their needs may at a later stage be met through direct provision. The statement is the same as the draft announcement submitted with his Memorandum for the Government, dated 28 August, 1998, except that it includes information about the decision now sought.

4.

As stated above, the Government, on the Minister's proposal, has now decided in principle that direct provision should be introduced. The considerations underlying the Minister's proposal to Government in this matter were that the nature of our welfare provision was acting as a "pull" factor and that the change-over to direct provision in the U.K. could result in a large influx of asylum seekers to the State which would have major Exchequer cost consequences. In deciding which Government Department should be responsible for the direct provision system, the Minister believes that the Government should make as little change as is necessary in existing arrangements consistent with ensuring that the aforementioned considerations are respected. In particular, he thinks that Departmental responsibility for the new arrangements should rest with one or other of the service providing Departments which are now responsible for meeting the basic needs of asylum seekers as well as of other persons experiencing poverty. These Departments are Environment and Local Government (which, together with the local authorities, funds emergency accommodation), Social, Community and Family Affairs (which funds Supplementary Welfare Allowance) and Health and Children (because the health boards administer Supplementary Welfare Allowance and source emergency accommodation).

5. For this reason, the Minister considers that it would be neither appropriate nor efficient if his Department were assigned responsibility for a direct provision system. In addition, he believes that it would have a negative presentational impact were his Department to be responsible. There is a real risk, for example, that critics of the move would portray it as essentially a punitive measure and confusion could be created in public debate between direct provision and other difficult aspects of the overall management of the problem of asylum seekers. Furthermore, in the Minister's view, the successful



implementation of direct provision will require co-operation with non-Governmental organisations, church authorities etc. and this is less likely to be forthcoming if direct provision can be portrayed in a negative light. If one of the above mentioned Departments are responsible, it will be abundantly clear that there is no change in the Government's intention to provide fully for the basic needs of asylum seekers.

6. The Minister has carefully considered arguments that might be advanced for allocating responsibility to his Department. One such argument is that direct provision should be a responsibility of the Department which processes the asylum claims so that it bears any costs associated with delays in processing. The Minister cannot accept this argument. Since extra resources were allocated to his Department and as further resources are being allocated, an efficient and fair system for processing asylum claims and dealing with applicants subsequently is progressively being put in place. The Minister would reject any view that the substantive processing of asylum claims and of subsequent applications for leave to remain in the State should be influenced by concern to minimise the cost of direct provision. In the Minister's view, any suggestion that this should happen would be very likely to result in court proceedings.

7.

8.

9. The Minister is also convinced that the introduction and operation of a direct provision regime will require continued inputs at local level from organisations such as local authorities and health boards. He sees no organisational advantage and probable significant extra costs if health boards and local authorities were to be required to assist a further Government Department at local level in addition to the roles they already discharge for the Departments of Social, Community and Family Affairs and Environment and Local

Government, as described in paragraph 4 above. This would be likely to create a conflict as to which activity takes precedence.

10. For similar reasons to those set out in paragraphs 4, 5 and 9 above, the Minister would not favour giving the lead role on direct provision to the Department of Defence.
11. Given that shelter is among the most basic of needs and the first question to be addressed on receipt of an asylum application is where the applicant is to be accommodated, the logical solution in the Minister's view is that the Department of the Environment and Local Government should take responsibility for the introduction and operation of direct provision for asylum seekers.
12. The Minister considers that genuine cross-Departmental issues arise in relation to the establishment and operation of a direct provision regime which will be a very complex task. There is a need for an interdepartmental committee, chaired by the Department of the Environment and Local Government, to support that Department in initiating and operating the new arrangements and to serve as a forum for any necessary co-ordination and exchange of information. The membership of the committee can be decided by the relevant Ministers. The Minister is willing to have his Department represented on the committee and the Departments of Finance and Foreign Affairs have indicated that they wish to be represented also. The Minister for Health and Children has suggested that the Eastern Health Board be represented on any such committee. Approval of the arrangements set out at paragraph 1(a) above, including the establishment of this interdepartmental committee, would mean that the Interdepartmental Committee on Immigration, Asylum and Related Issues would not need to deal with the question of direct provision and could concentrate on other measures as required by the Government decisions of 23 June and 20 July, 1998.

[REDACTED]

13. [REDACTED]

14. [REDACTED]

S180/20/10/0122

3 Samhain, 1998.

An Rúnaí Príobháideach

An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

I am to refer to the memorandum dated 15 September, 1998, submitted by the Minister for Justice, Equality and Law Reform and to inform you that, at a meeting held today, the Government

- (1) decided that the Department of Justice, Equality and Law Reform will be responsible for the direct provision of support to meet the basic needs of asylum seekers;
- (2) decided that the Health Boards and Local Authorities will continue to have a role in the provision of such support;
- (3) approved an increase in staff for the Department of Justice, Equality and Law Reform which would be sufficient to discharge the Department's role in relation to planning for and implementation of direct provision, the details to be agreed by the Minister for Justice, Equality and Law Reform with the Minister for Finance;
- (4) agreed that the timing of the introduction of direct provision will depend on the availability of the staff referred to at (3) above; and
- (5) approved an announcement on this matter and those dealt with in the memorandum for the Government of 28 August, 1998 in line with the draft discussed at the meeting.

**Frank Murray**

Ard-Rúnaí an Rialtais

Oifig an Aire Dli agus Cirt, Comhionannais agus Athchoirithe Dli

26 February, 1999.

AIDE MEMOIRE FOR THE GOVERNMENT.

Asylum Seekers Update.



### Direct Provision

8. The Government decided on 1 September last (S180/20/10/0122) to introduce direct provision for new asylum seekers but have yet to announce this. It further decided on 3 November 1998 that the Department of Justice, Equality and Law Reform will be responsible for direct provision of support to meet the basic needs of asylum seekers.
9. The British Government has published an Immigration and Asylum Bill which deals, inter alia, with direct provision. The Bill had a second reading in the House of Commons last week. It is understood that they are planning to have the new system in place by April 2000. The Minister wishes to advise his Government colleagues of the urgent need to publicly signal our intentions in relation to direct provision if we are to avoid the strong possibility of very substantial secondary migration from the U.K. to Ireland as the U.K. moves closer to direct provision for asylum seekers. Accordingly the Minister, Equality and Law Reform now asks the Government to approve the draft press release at Appendix 2 .
- 10.
- 11.
- 12.

NOTE FOR INFORMATION OF THE GOVERNMENT

Increase in Arrivals of Asylum Seekers

The Minister for Justice, Equality and Law Reform wishes to highlight to Government the recent upsurge in applications for asylum.

In each of the last 4 months, the number of applications for asylum has increased from 381 in May to 453 in June, to 571 in July, to 952 in August. The comparable for August 1998 was 407 which fell to 234 in January and February of this year.

Some reasons for the increase could include:

1. The reaction of asylum seekers in the UK to the introduction of Direct Provision and forced dispersal there from April 2000, in conjunction with the Common Travel Area which enables relatively free movement between the UK and Ireland
2. The recent granting of residence to a large number of parents of Irish born children, the majority of whom are asylum seekers.
3. The possible misinterpretation of the recent Government decision on the right of asylum seekers to work.
4. The perception of our relatively attractive Welfare system.

The Minister intends to submit within the next few weeks a Memorandum for Government inviting the Government to revisit its decision of September 1998 in relation to direct provision.

Furthermore, following the recent enactment of the Immigration Act, work is underway to recommence deportations of failed asylum applicants.

The Minister also intends to commence work on the implementation in full of the Refugee Act 1996, as amended.

It should be noted that a continuation of the recent rate of arrival of new applicants would have resource implications for the Refugee Applications Centre in Mount Street.

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S180/20/10/0122

1 Meán Fómhair, 1999.

An Rúnaí Príobháideach

An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

I am to refer to the note ref. 69/5773/98 dated 1 September, 1999, circulated at today's Government meeting by the Minister for Justice, Equality and Law Reform, concerning the increase in arrivals of asylum seekers, and to inform you that, the Government noted the contents, in particular, the Minister's intention to bring forward within the next few weeks a Memorandum for Government concerning direct provision of support for asylum seekers.

**Frank Murray**

Ard-Rúnaí an Rialtais

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An Rúnaí Príobháideach

An Tánaiste agus Aire Fiontar; Trádála agus Fostaíochta, An tAire Airgeadais,  
An tAire Gnóthaí Sóisialacha; Pobail agus Teaghlaigh, An tArd Aighne

Mar eolas don Aire

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## Asylum Seekers

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### An Bhreith:

[MOS Molloy reported, informally, that the Eastern Health Board had indicated that they are having severe difficulty in securing emergency accommodation in the Dublin area because of the sharply increased numbers seeking asylum (the EHB had indicated that the total for the first 9 months of this year was 4,446 which includes, 938 for September, 962 for August, 571 for July).

Following discussion it was agreed that the Minister for Justice should reconvene the Interdepartmental Group and mandate them to come back to Government in two weeks with a considered proposal on direct provision together with any other recommendations which the Group might wish to make at this stage to deal with the current situation overall. The Government decision of 1 September, 1999 in relation to direct provision also refers in this regard].



Oifig an Aire Dli agus Cirt, Comhionannais agus Athchóirithe Dli

Aide Memoire

69/6193/98

Interdepartmental Committee on  
Immigration, Asylum and Related Issues.

19th October 1999

Emergency Accommodation for Asylum Seekers

1. Decision Sought.

The Minister for Justice, Equality and Law Reform asks the Government to

- (i) note the increase in the number of persons seeking asylum
- (ii) agree that additional staff be assigned immediately to the Eastern Health Board Refugee Unit to source additional emergency accommodation throughout the country
- (iii) agree to the proposal to advertise for the provision of full board to asylum seekers
- (iv) agree to the announcement that asylum seekers will be dispersed throughout the country and may have their needs met by direct provision.

*Agreed  
by the  
Joint  
Committee*

2. Increase in numbers of persons seeking asylum.

The number of persons seeking asylum in the State has increased dramatically over the last three months. The figure for the month of June was high with 453 applications but this figure was greatly exceeded in July, August and September with 571, 962 and 938 applications respectively. The comparable figures in 1998 were 449, 407 and 313 and the total number of applications for the first 9 months of 1999 was 4,446. The total number of applications in 1998 was 4,626 and if the current rate of arrival continues, the final outturn for 1999 could be over 7,000. The figure for September (938) was more than double the figure for June (453) and slightly less than the number of applications made in the whole of 1996 (1179).

The top five areas of origin for the first nine months of this year are;

Romania	1369
Nigeria	895
Poland	315
Algeria	179
Kosovo	177

These areas account for 66% of all applications submitted to end September 1999.

The increase in the number of asylum seekers in Ireland is a European wide trend. In the United Kingdom, the number of asylum seekers has increased from an average of 4,000 asylum applications a month for the first three months of 1999 to over 7,000 applications a month for August and September 1999.

### 3. Possible reasons for the increase in the number of applications

There are a number of factors to which the increase in the level of arrival may be attributed :

The same upward trend in other EU Member States, especially in the UK.

The recent announcement on the entitlement to seek work may have been misunderstood as a general entitlement without realising that it only applies to people who have applied for refugee status prior to 26 July, 1999 and who have been 12 months in the asylum process without having received a final determination.

The planned introduction in the UK in April 2000 of a predominantly voucher based system of welfare provision with minimal cash. This change in policy away from a cash based system has featured recently on news programmes and may have resulted in the increased flow of people getting out of the UK before they lose the cash based welfare assistance.

A perception that asylum seekers can work in the black economy while continuing their welfare claims and the failure to date to prosecute for abuses of the welfare system including dual and multiple applications.

The recent announcements about the rights of residence being confirmed for almost all parents of Irish born children.

The absence of any deportations in 1999 due to the finding by the Courts that the deportation power in the aliens legislation was unconstitutional. (With the enactment of the Immigration Act, 1999 and the making of the necessary regulations this situation is about to be rectified.)

### 4. Accommodation Shortages

The indications from the Eastern Health Board's (EHB) Refugee Unit, are that the supply of emergency accommodation (i.e. B&B and hostel type arrangements) in the Dublin area is exhausted. This Unit is based in the Refugee Applications Centre in Lower Mount St. with responsibility for the provision of welfare and accommodation needs of newly arrived asylum seekers in emergency arrangements until they can get accommodation in the private rented sector (e.g. flat, apartment or house). The accommodation and welfare needs of asylum seekers are met through the Supplementary Welfare

Allowance scheme which is administered by the respective Health Boards on behalf of the Dept. of Social, Community and Family Affairs.

In the 3 months since July 1999 the number of asylum seekers in emergency accommodation in the Dublin Area has jumped from under 1000 to over 2500. The normal rate of throughput from emergency accommodation to the private rented sector is totally inadequate to cope with the rate at which new applicants are arriving into the system. In recent weeks the EHB has had to resort to placing new arrivals in hotels at a cost of up to £100 per couple per night because no other accommodation was available.

The remainder of the asylum seekers in the EHB area, primarily in the greater Dublin area are accommodated in the private rented sector which is supported through the EHB Community Welfare rent supplemental scheme.

The situation is now at crisis point with 150 people, including a number of family units, having been turned away by the Board last week because it was unable to arrange accommodation. Some of these people would have found accommodation with friends but others slept outdoors. One family with two children under five years of age were encountered by Gardaí sleeping in Herbert Park. On Friday morning last the Eastern Health Board Refugee Unit had to close its doors at 11.30 as far as arranging accommodation was concerned. In addition, many people were in unsuitable accommodation as the need to find somewhere for them to stay tended to override normal concerns for control and supervision.

It is a matter for the Government to ensure that adequate arrangements are put in place to ensure that asylum seekers' basic needs are met. Failure to do so (and notwithstanding the fact that the great majority of asylum seekers turn out to be economic migrants) would be an abdication of our international responsibilities and a failure to fulfill the statutory responsibility to meet the needs of those in the State with no means of their own. This would also leave the Government exposed to severe criticism.

The number of groups of asylum seekers (which relates to a combination of single persons and family units) currently in payment in each of the respective Health Boards is as follows : Eastern - 5032, South Eastern - 159, Southern - 126, Mid Western - 94, Western - 33, Midland - 7, North Eastern - 31, North Western - 3.

##### **5. Recommendation from Inter Departmental Committee**

Clearly the extra accommodation required is not available in Dublin and even if it was it is not desirable to have an over concentration of asylum seekers in one area as they may be accommodated at the expense of the indigenous homeless. It is essential that additional accommodation is identified and sourced throughout the country. For the next six months at least there should be adequate accommodation available in tourist B & B's, guesthouses,

hostels, self catering units and hotels. In most cases it may not be possible to provide cooking facilities but it should be possible to make arrangements for full board. Apart from sourcing the accommodation and making the necessary arrangements with the various proprietors there will also be a requirement for the Health Boards to cater for the welfare and health needs of the asylum seekers. To this end Local Authorities and Health Boards should be requested to co-operate fully in the provision of the necessary services.

In the short term the staff of the Eastern Health Board Refugee Unit have the necessary expertise and would be best placed to manage the dispersal of asylum seekers. They will however, require additional staff. This unit currently looks after sourcing emergency accommodation and the general welfare needs of asylum seekers. The Inter Departmental Committee recommends that the unit be subdivided, with one unit dealing solely with sourcing accommodation and the other to continue to look after the other welfare aspects of the work. Ideally a separate team needs to be set up to source accommodation, agree arrangements with landlords and liaise with local authorities and Health Boards. Initially a team of 7 is suggested - 1 Superintendent Welfare Officer, 4 Community Welfare Officers or equivalent and 2 Clerical, the method of assignment/recruitment to be the subject of immediate discussion between the Health Board and the Department of Finance.

To source additional accommodation as quickly as possible the Committee considers that advertisements should be placed in the national newspapers seeking offers of accommodation on a full board basis.

#### **6. Accommodation occupied by Kosovar Refugees**

The Minister believes that there is also some spare capacity in the accommodation provided for the Kosovar refugees. It should be possible to vacate at least one or two centres. Arrangements could then be made with the landlords to provide directly for asylum seekers at these centres. This should also release some staff who are managing and working at these centres. The staffing details for each of the centres is at Appendix I. Leaving spaces vacant while still paying per night for each such space could not be countenanced where asylum seekers have had to sleep outdoors. Over 200 Kosovar refugees have returned home so far. The Minister also believes that the staffing requirement at the various centres should be reviewed as many may not require the same level of support now as they did on arrival.

7. **Announcement of Dispersal and Direct Provision**

In view of the recent dramatic rise in the numbers applying for asylum and the consequent crisis in accommodation the Minister considers that it is essential that there should be an announcement that in order to provide them with emergency accommodation asylum seekers will be dispersed around the country and that their basic needs may be met by the provision of full board type accommodation. A draft of a Press Release to this effect is at Appendix II.

8. **Direct Provision**

Because of the current emergency situation relative to accommodation the Inter Departmental Committee concentrated on options to relieve the immediate crisis. A further Memorandum on other issues including direct provision in the longer term will be submitted to Government in about three weeks.



Appendix 1

	<u>Mgr</u>	<u>Asst Mgr</u>	<u>Sec</u>	<u>CO</u>	<u>Interpreter</u>	<u>Total</u>	<u>Tot HB</u>	<u>Tot Ref Ag</u>	<u>Org Num</u>	<u>Returns</u>	<u>Remaining</u>
Millstreet, Drishane Castle	1	3	0	1	1	6	5	1	66	10	56
Cork City	1	3	0	0	2	6	4	2	57	14	43
Crosshaven	1	3	0	0	1	5	4	1	49	0	49
Killarney, Atlas House	1	3	0	1	2	7	5	2	99	37	62
Killarney, Parklodge	1	3	0	1	1	6	5	1	59	11	48
Tralee, Atlas House	1	3	0	1	2	7	5	2	119	37	82
Kildare	1	4	0	0	3	8	5	3	258	47	211
Balinglass	1	3	1	0	2	7	5	2	48	0	48
Waterford, Ursuline Conv.	1	5	0	1	3	10	7	3	183	52	131
Dunganran	1	3	0	1	2	7	5	2	95	0	95
<b>Total:</b>	<b>10</b>	<b>33</b>	<b>1</b>	<b>6</b>	<b>19</b>	<b>69</b>	<b>50</b>	<b>19</b>	<b>1033</b>	<b>208</b>	<b>825</b>

S180/20/10/0122A

19 Deireadh Fómhair, 1999.

An Rúnaí Príobháideach

An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

I am to refer to the aide memoire ref. 69/6193/98 dated 19 October, 1999, submitted by the Minister for Justice, Equality and Law Reform concerning emergency accommodation for asylum seekers and to inform you that, at a meeting held today, the Government

- (1) noted the increase in the number of persons seeking asylum;
- (2) agreed that staffing requirements in relation to asylum seekers would be discussed by the Minister for Justice, Equality and Law Reform, the Minister for Finance and the Minister for Social, Community and Family Affairs;
- (3) agreed to the proposal to advertise for the provision of full board to asylum seekers; and
- (4) agreed to the announcement that asylum seekers will be dispersed throughout the country and may have their needs met by direct provision.

**Frank Murray**

Ard-Rúnaí an Rialtais

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An Rúnaí Príobháideach

An Tánaiste agus Aire Fiontar; Trádála agus Fostaíochta, An tAire Airgeadais, An tAire Gnóthaí Sóisialacha; Pobail agus Teaghlaigh, An tAire Sláinte agus Leanaí, An tAire Gnóthaí Eachtracha

Mar eolas don Aire

## CRUINNIU RIALTAIS

09/11/99

### Asylum Seekers

#### An Bhreith

[The Minister for JELR reported on the outcome of the Top Level Inter-Departmental/Agency Meeting which he had chaired yesterday:

- (1) Accommodation offered as a result of the countrywide appeal would be inspected immediately by the local authorities: Department of Env. & LG to communicate this to local authorities;
- (2) Department of Defence premises to be viewed as possible sources of accommodation: OPW to arrange as a matter of urgency;
- (3) Full board to be provided: no cash payments to be made (direct provision system to be introduced a.s.a.p.);

## CRUINNIU RIALTAIS

#### An Bhreith

-2-

- (4) A central directorate (unit) to be established immediately to deal with matters relating to the dispersal of asylum seekers throughout the country and preparation of plans for a system of direct provision of housing, health needs etc. Each Department to nominate a representative to this unit;
- (5) Eastern Health Board Office in Mount Street to deal with first-time applicants only. A second EHB Office to be provided to deal with those already in this system (this would involve provision of more staff and new premises for the EHB). OPW to follow up as a matter of urgency;
- (6) The possible use of Section 12 of the Public Service Management Act, 1997, is to be considered, as a matter of urgency, as a model for the new structures needed to deal with the current situation. The Minister

## CRUINNIU RIALTAIS

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### An Bhreith

-3-

for Finance was asked to consider this aspect with a view to a formal submission to Government (next week) if that course is to be followed. The importance of having one person in charge of the new directorate/unit was emphasised.

- (7) The need for a fast-track appointment of a Refugee Appeal Commissioner was also adverted to;
- (8) The M/JELR also outlined his Dept.'s legislative and other plans in relation to prevention of trafficking in refugees, fingerprinting and deportation; and
- (9) The inclusion of the Secs. Gen. of the Depts. involved in the membership of the Inter-Departmental Committee had been very helpful. ]



E 18/3/96

15 November, 1999

**OIFIG AN AIRE AIRGEADAIS****Aide Memoire for the Government****Use of Section 12 of the Public Service Management Act, 1997 to create a cross-departmental team to manage services for Asylum-seekers****Background**

1. An informal decision of the Government at their meeting of Tuesday 9 November, 1999, requested the Minister for Finance to consider, as a matter of urgency, the possible use of Section 12 of the Public Service Management Act, 1997 as a model for the new structures needed to deal with the current situation regarding asylum seekers. The Minister was also asked to make a formal submission to the Government on the matter.
2. The informal Government decision in this regard emphasised the importance of having one person in charge of the new directorate/unit. An appointment has already been made by the Minister for Justice, Equality and Law Reform.

**Proposals of the Minister for Finance**

3. The Minister for Finance **considers that section 12 would be an appropriate mechanism to** establish quickly and empower a cross-departmental team under the central direction of the Minister for Justice, Equality and Law Reform, to manage suitable arrangements for immediate dispersal of asylum-seekers and to formulate proposals for direct provision of public services and secure the implementation of such services. An order made jointly by the relevant Ministers under Section 12 could be used to ensure that:
  - a. appropriate functions of individual Ministers and Ministers of State can be validly assigned to and discharged by the cross-departmental team directly;
  - b. civil service staff of appropriate rank and expertise are allocated as and when they are required; and
  - c. any expenditure utilised in relation to this matter is accounted for correctly.

4. The Minister would emphasise that functions to be delegated to any team established under section 12 would be limited to powers which the Ministers concerned (not their agencies) already possess. Should it prove necessary at some future date to augment such powers (e.g. by according an appropriate Minister - and thus the team - a power of direction to a public service agency or local authority in relation to a particular service or, more drastically, to establish a statutory basis for a multifunctional directorate with responsibility for directly implementing the policies developed by the cross-departmental team), any necessary primary legislation could be prepared urgently without interfering with or delaying the ongoing work of the team.
5. As Section 12 requires that members of a team established thereunder be Civil Servants, the Minister would propose that staff assigned from other agencies (e.g a health board or local authority) be seconded to temporary Civil Service posts on the central team.
6. A more detailed technical note setting out the main issues arising in relation to the use of Section 12 in the current situation is attached as Appendix 1

## **Appendix 1 - Technical Note by the Department of Finance**

### **Use of Section 12 of the Public Service Management Act 1997 to create a cross-departmental team on services for refugee/asylum seekers**

#### **Recommendation**

1. It is recommended that section 12 of the Public Service Management Act 1997 be used immediately to establish the cross-departmental team on the refugee/asylum seekers issue. Use of the provisions of Section 12 would enable the Government to respond quickly and effectively to the demands that appropriate policies be developed and implemented urgently to secure the dispersal of and direct provision of services to asylum seekers. An order made jointly by Ministers under Section 12 can be used to ensure that:

- (a) appropriate functions of individual Ministers and Ministers of State are delegated to and validly discharged by the cross-departmental team;
- (b) staff of appropriate rank and expertise are allocated as and when they are required; and
- (c) any expenditure utilised in relation to this matter is accounted for correctly.

2. However, the provisions of Section 12 are limited to functions exercised by civil servants on behalf of Ministers of the Government or Ministers of State and directly accountable to Secretaries General or Heads of Office. The scope of the legislation does not extend specifically to personnel of other public service organisations such as Health Boards and local authorities. If such personnel are assigned functions under Section 12, it would be necessary to designate them civil servants under the appropriate provisions of the Civil Service Regulations Act 1956 and this is the recommended approach.

3. Moreover, it would appear that a cross-departmental team established under Section 12 would not have a power of direction in relation to statutory functions of health boards, local authorities or other public service agencies outside of central Government. It is not yet clear whether such powers of direction would be required by the cross-departmental team in implementing Government policy, for example in relation to the arrangements for direct provision. If the relevant agencies co-operate fully with the work of the cross-departmental team on a voluntary basis, the absence of powers of direction may not become an impediment to the discharge of the functions assigned. However, it is difficult to foresee all of the policy and operational matters which could arise in relation to this matter. It is clear, however, that any such powers would be perceived as draconian interference by central Government with powers already delegated or devolved from the centre. Constitutional issues may well arise, depending on the nature of the legislation proposed. They could, therefore, prove very controversial.

4. Accordingly, it is recommended that after a reasonable period of time following commencement of its operations {say one/two month/s} the Minister for Justice, Equality and Law Reform, on the advice of the cross-departmental team and in consultation with other relevant Departments and the Department of Finance, should consider whether primary legislation, needs to be prepared to establish a statutory basis for either an amended statutory framework for particular services or, more drastically, a multifunctional directorate with

responsibility for implementing “on an emergency basis” the policies developed by the cross-departmental team. Arrangements could be made to ensure that the policy functions and personnel of the cross-departmental team were transferred to the statutory directorate when the necessary statutory authority had been brought into effect.

5. It is recommended that the suggested Joint Ministerial Order to be made under Section 12 might specifically state that the officer appointed to take charge of the cross-departmental team should be accountable, in relation to the functions assigned, in the first instance, to the Secretary General of the Department of Justice, Equality and Law Reform. The order might also state that other civil servants {and other officers} should be accountable, in the first instance, to the officer appointed to take charge of the cross-departmental team. The order might further state that the Secretary General of the Department of Justice, Equality and Law Reform will be requested to:

- submit to the Minister for Justice, Equality and Law Reform an amended Strategy Statement setting out the functions assigned to the cross-departmental team; and
- exercise his authority under Section 10 of the Public Service Management Act 1997 to designate the officer appointed to take charge of the cross-departmental team to appear before an Oireachtas Committee, when requested to do so by the Committee, in connection with matters relating directly to the functions assigned to the cross-departmental team as set out in the amended Strategy Statement.

#### **Provisions of Section 12**

6. *Section 12* of the Public Service Management Act 1997 deals with the assignment of responsibility for cross-Departmental matters. The key elements of the statutory provisions are as follows:

- Subsection (1) provides that Ministers or Ministers of State, jointly with their counterparts in one or more other Departments, may assign responsibility to civil servants for the performance of functions relating to both or all the Departments concerned. Provision is made for mandatory consultation with the Secretaries General/Heads of the Departments/Offices involved.
- Subsection (2) provides that Ministers of State may be delegated authority to make similar arrangements on the lines set out in subsection (1) in relation to matters or areas delegated to them under the Ministers and Secretaries (Amendment) (No. 2) Act, 1977.
- Subsection (3) provides that Ministers retain the right to exercise any function assigned under this section concurrently with those to whom such functions are assigned.
- Subsection (4) provides that orders assigning responsibilities to civil servants will specify to whom they shall be accountable. This subsection also provides that the Minister for Finance will specify the manner of accountability for responsibilities that involve the use of financial resources.
- Subsection (5) provides for the termination of any cross-departmental assignments made under section 12.



### **Action required to implement Section 12**

7. Use of Section 12 explicitly requires consultation with all Secretaries General and Heads of Office involved. Accordingly, an immediate response should be prepared in each relevant Department of State and Office setting out the following information:

- Ministerial functions to be assigned to the cross-departmental team {where such functions are assigned to a Minister of State under the Ministers and Secretaries (Amendment) (No. 2) Act, 1977, these should be clearly identified};
- grade and rank of all civil servants {named where possible} to be assigned to the cross-departmental team;
- proposals in relation to the accountability of officers assigned to the cross-departmental team;
- estimate of costs on the Vote of the Department in relation to the discharge of functions assigned to the cross-departmental team;
- proposals in relation to the designation of an officer or officers to be accountable for the utilisation of financial resources;
- forecast duration of activities of the cross-departmental team (this need not be precise);
- identification of functions discharged by health boards, local government organisations and other public-service agencies under the aegis of the particular Department or Office; and
- grade and rank of all public servants and other officers of health boards, local Government bodies and other agencies {named where possible} to be assigned to the cross-departmental team.

### **Accountability for expenditure**

8. Under the provisions of the Exchequer and Audit Departments Act, 1866 and the Comptroller and Auditor General (Amendment) Act, 1993 Accounting Officers are legally accountable for expenditure from the Vote or Votes of their Department or Office. It is not recommended that a separate Vote should be provided for the cross-departmental team. Accordingly, it is envisaged that the actual provision of services will continue to be funded from the relevant Votes of the Departments involved and their respective Accounting Officers will be accountable for the relevant expenditure. For example, social welfare expenditure will be the legal responsibility of the Accounting Officer of the Department of Social Community and Family Affairs, health expenditure will be the legal responsibility of the Accounting Officer of the Department of Health and Children (or where appropriate, the Chief Executive Officer of the relevant health board).

9. It is recommended that the Department of Justice, Equality and Law Reform should assume the lead role in the cross-departmental team on asylum-seekers/refugees. Staff of the cross-departmental team drawn from different Departments will be accountable for the use of resources to the officer appointed to take charge of the cross-departmental team. The officer appointed to take charge of the cross-departmental team will be accountable to the

Accounting Officer of the Department of Justice, Equality and Law Reform for the direct expenditure incurred by the team. In particular, the Accounting Officer of the Department of Justice, Equality and Law Reform would be responsible for ensuring that systems are in place to fulfil the obligations under set out in Section 19 of the Comptroller and Auditor General (Amendment) Act, 1993 which concern the regularity and propriety, economy and efficiency in the use of resources and the systems procedures and practices employed for evaluating the effectiveness of the team's operations. It would be within the competence of the Comptroller and Auditor General to carry out a value-for-money examination on the cross-departmental team on refugees at any time in the future and the Accounting Officer of the Department of Justice, Equality and Law Reform would be required to give evidence to the Committee of Public Accounts for any such study.

10. Consideration should be given by the cross-departmental team in consultation with parent Departments and the Department of Finance as to whether separate consolidated accounts on expenditure arising from the activities of the cross-departmental team should be kept for information purposes. All expenditure will have to be included in the Appropriation Accounts of the respective Departments (or health board and local authority accounts if relevant) as this is a legal accounting requirement for Voted expenditure. However, it might be useful for management information purposes to have separate accounts on the activities of the cross-departmental team. Finance Officers of the relevant bodies would need to be consulted in relation to the feasibility of such arrangements.

11. The Department of Justice, Equality and Law Reform should draft amendments to the departmental Strategy Statement covering the arrangements for the work of the cross-departmental team.

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**Organisation Management and Training Division**  
**Department of Finance**  
**12 November 1999**

16/11/99

## Asylum Seekers

W. Ryan  
F. Murray  
SEEN BY  
TAOISEACH

[The Taoiseach referred to previous consideration of this matter and, in particular, the legislation in relation to immigration currently in the pipeline (details attached).

Following discussion, it was agreed that the Taoiseach should convene a meeting of the key Ministers concerned, with a view to further improving coordination in this area, ensuring that the decisions which had to be taken would be taken and that the overall problem would be dealt with as a priority by all the Departments/Agencies concerned. The separate decision of the Government of today's date to set up a special unit under Section 12 of the Public Service Management Act, 1997, was noted in this regard.

The Taoiseach requested Ministers attending the meeting to be convened by him to bring forward considered conclusions/recommendations for further action (rather than background material explaining the complexities and difficulties involved).]

*It is important that there be decisions for announcement after Monday's meeting. To facilitate this Ministers might be asked to have their recommendations sent to the Sec Gen to Government by Friday*

30/11/99

## **Asylum Seekers**

**The terms of a draft Press Statement to be issued by the Minister for Justice, Equality and Law Reform were agreed subject to amendment to clarify that the Committee which met yesterday is a Cabinet Sub-Committee. The Membership is as follows:**

**Taoiseach**

**Tanaiste and Minister for Enterprise, Trade & Employment**

**Minister for Justice, Equality and Law Reform**

**Minister for Finance**

**Minister for Environment and Local Government**

**Minister for Social, Community & Family Affairs**

**Minister for Health and Children**

**Attorney General**

**Minister of State Liz O'Donnell.**

**Secretaries Generals of Departments and other officials to be available to advise members as appropriate.**

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**Oifig an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí**

**Ref. No. 69/6926/99**

**13 December 1999**

**MEMORANDUM FOR GOVERNMENT**

**Asylum and Immigration Strategy**

**1. Decision sought**

The Minister seeks the endorsement of the Government for the Asylum and Immigration strategy as set out in the attached report at appendix I.

The Minister asks the Government to:-

- i. note the proposal to eliminate delays in the processing of Asylum applications by assigning additional resources, by maximising the use of fast track procedures, by increasing the number of Appeals Authorities and by considering the possibility of streamlining the Judicial Review proceedings
- ii. note the proposal to improve the application of the Dublin Convention by implementing fingerprinting of asylum seekers as a matter of urgency and by effecting speedy transfers.
- iii. note that the Working Group's Report on Integration has now been completed and presented to the Minister.
- iv. agree that the recommendations in the Working Group Report on Integration should be considered in the context of the review of overall structures for the Immigration and Asylum area.
- ~~5~~ v. approve the provision by OPW of asylum reception centres for short term stay in the Dublin area to include facilities for health screening, welfare and legal services.
- vi. approve the sourcing by OPW of additional accommodation throughout the country.



- vii. approve the provision of the necessary funds and other resources to be agreed in consultation with the Minister for Finance to enable OPW to procure sufficient accommodation
- viii. note the importance of a planned and orderly system of dispersal of asylum seekers
- ix. approve continued planning for direct provision in line with the UK target of April 2000.
- x. note the introduction of measures to combat immigrant trafficking in the Trafficking Bill now at Second Stage in the Dail
- xi. note the Minister's intention to increase the checks at points of entry in the State having regard to the overall interest of the Common Travel Area
- xii. agree that a proactive immigration policy be put in place to contribute to addressing the skills and labour shortages of the labour market and that this policy be pursued by identifying and promoting job opportunities in Ireland to residents of the EEA, the applicant countries for EU membership and elsewhere and that job opportunities in the State also be promoted in Northern Ireland
- xiii. agree that non-EEA nationals seeking employment should not require a work permit but should be granted a working visa and that an Interdepartmental Committee under the chairmanship of the Department of Enterprise, Trade and Employment be established to consider the modalities of the policy and to report to Government by end February 2000 In this context, note the importance, again, of proceeding with change in a way that does not jeopardise the maintenance of the Common Travel Area.
- xiv. agree to remove the requirement that an employer obtain a work permit before employing an asylum seeker covered by the Government decision of 26 July last and that the necessary arrangements for issuing identification letters and for verification procedures be discussed by the Departments concerned
- xv. agree the approval of £500,000 per annum for two years for the FAS dedicated unit to assist eligible asylum seekers to find employment
- xvi. note the Minister's intention to explore the issue of the rights of parents or siblings of Irish Born Children with the Attorney General with a view to preventing abuse
- xvii. note the Minister's intention to intensify deportations

*Some checks on this and Ireland's economy suggested.*

- xviii. note the Minister's intention to explore with the International Organisation for Migration the possibilities for encouraging voluntary returns
- xix. note the Minister's intention to intensify efforts to conclude Readmission Agreements with countries of origin
- xx. note the Minister's intention to introduce comprehensive immigration and residency legislation to replace the Alien's Act, 1935
- xxi. agree the need for initiatives to combat racism and racist attacks through informing public opinion and promoting a more tolerant society and the allocation of additional resources for this purpose. Note, also, in the context of facilitating better informed public debate, the Minister's intention, announced some time ago, to publish a comparative study on European asylum systems which has been prepared at his request by University College Dublin.
- xxii. agree that the Minister for Justice, Equality and Law Reform should submit to Government, by the end of January, proposals for the establishment of a separate Agency which will have the responsibility for day-to-day operation of the Immigration and Asylum systems. In this context, agree that overall responsibility for policy development will remain, as now, a matter for the Government, exercised through the Minister. Note also that the Minister's proposals will be prepared following full consultations with relevant interests.
- xxiii. agree to issue a Press Statement following the Government meeting - draft herewith

## **2. Background**

A Cabinet Sub-Committee chaired by An Taoiseach met on 29 November to consider future policy and strategy in the Asylum and Immigration area. The Government at its meeting on 30 November considered a preliminary report from the Committee. It was decided that a comprehensive report would be submitted by the Minister for Justice, Equality and Law Reform within two weeks, which would form the basis for decisions by the Government on future policy and strategy in the immigration and asylum area. The Minister's Memorandum would take on board, as far as practicable, the various suggestions contained in the Departmental papers circulated in advance of the meeting.

### **3. Report**

The Minister's report is attached at appendix I. In his report the Minister having consulted with all relevant Departments, outlines the main issues, including those affecting the operations of other Government Departments and proposes a comprehensive strategy for consideration by the Government.

### **4. Aide Memoire on Immigration**

The Aide Memoire on Immigration policy submitted by the Tanaiste and Minister for Enterprise, Trade and Employment to the Cabinet Committee is attached at appendix 2

### **5. Implications of this proposals**

The proposals have no implications specifically for women.

### **6. Views of other Government Departments**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





## **Appendix 1**

### **Report to Government from the Minister for Justice, Equality and Law Reform - Asylum and Immigration Strategy**

#### **1. Aim**

- 1.1 To provide and administer an immigration and asylum system which assures protection for refugees, respects and upholds the rights of all immigrants, provides open, fair, consistent and efficient procedures, minimises the recognised risk of abuse and is in accordance with the Action Programme for the Millennium and with the international obligations of the State.
- 1.2 The Minister believes that a basic prerequisite to achieving this aim must be
- a sense of structure and cohesion across the entire asylum and immigration areas
  - continuation and intensification of full co-operation across all Departments and associated Agencies
  - the provision of adequate resources (which, if the issues are to be addressed properly, are likely to be substantial).

#### **2. Background**

- Numbers applying - accommodation problems
- 2.1 The number of persons seeking asylum in the State has increased significantly in recent years particularly since 1996 and continues to increase. The recent level of increase from 453 in June to 1015 in October and 1010 in November has challenged the ability of the application processing structures and in a more serious way has not only challenged but exceeded the capacities of the structures in place to meet basic accommodation needs. The situation in recent months where people have had to queue for hours and where the Eastern Health Board Refugee Unit has then been unable to provide accommodation for many, including families with young children, cannot be allowed to continue.

### Extra Resources Provided - current backlog

- 2.2 Since 1997 the Government have provided 144 extra staff for the processing of asylum applications, new procedures have been put in place, and four independent Appeals Authorities have been appointed. These resources were put in place with the aim of clearing the backlog of asylum applications by July 2000 and being then in a position to process applications within a matter of weeks, so that applications would have been processed through all stages, including appeals, within six months - some would of course be completed much quicker. The recent increase in the number of applications - and particularly if this increase is sustained - meant that the targets of clearing the backlog by July 2000, or processing applications to finality within six months, could not be achieved without the allocation of additional resources. (The Department of Finance has now sanctioned a further 120 posts to meet the increased demand).

### Statistics - percentage of applications granted/refused

- 2.3 From the time additional staff assigned to tackle the backlog of asylum applications commenced operations on 5 May 1998 up to 30/11/99 a total of 7,991 interviews have been scheduled and 5,271 conducted. Of those who failed to show for interview, many were rescheduled but, as a result of ongoing co-operation with EHB and DSCFA, 2,065 have been deemed abandoned. A further 2,954 have withdrawn from the system. Of the 5,087 whose cases were considered substantively at the first stage, 527 have been granted (10.4%) and 4,560 have been refused (89.6%). Of those refused, 3,140 have availed of the opportunity to appeal (69%). Of the 1,220 appeals decided so far, 418 were granted (34.3%) and 802 have been refused (65.7%). A further 245 withdrew their appeals before the case was heard, of these over 80% were withdrawn as the applicants sought to stay in the State on the basis of becoming the parent of an Irish Born child. A further 1,654 appeals remain to be considered.

- 2.4 To put matters in context, the following is a brief statistical snapshot -

#### *Total Applications if current rates are maintained*

- c. 12,000 per annum

#### *Percentage who do not show for interview and are deemed abandoned*

- c. 30% (i.e. 70% are interviewed)

#### *Percentage of those interviewed who are granted/refused refugee status (including cases appealed)*

- c. 20% granted (i.e. 2,400 per annum on a 12,000 intake)
- c. 80% refused (i.e. 9,600 on a 12,000 intake)

*The time it would take to have a decision from date of application assuming optimum staff numbers*

- c. 3 months on average for first decision
- c. 6 months if original decision appealed (i.e. A further three months).

Statistics are attached at Annex 1.

#### One-Stop-Shop

2.5 The one-stop-shop is a large office block, in Mount Street, which includes First Stage Processing, Appeals, the Eastern Health Board Refugee Unit, the Refugee Legal Service and the Documentation Centre. The centre was established to centralise the services for asylum seekers. This accommodation, which was only opened one year ago and was welcomed as an excellent facility, is no longer adequate. While the idea of locating facilities on one site is a good one, the Minister does not consider that the present mix of functions should remain under one roof.

2.6 The core problems are that

- (a) The Eastern Health Board can not source sufficient accommodation - which means that accommodation queues are unavoidable as things stand. The Minister is satisfied that Eastern Health Board services at the One Stop Shop should be confined to meeting the immediate needs of new applicants only - longer term needs including health screening should be dealt with at other Health Board Centres.
- (b) The current staffing levels to cope with the processing generally of increased numbers is inadequate.

The resources of the Refugee Legal Service will also need to be reviewed.

#### Responding to future demands

2.7 At the time the one-stop-shop was planned and up to the opening of the centre applications averaged 60 to 70 per week, they are now running at almost 300 per week. Although the Department of Justice, Equality and Law Reform had been warning that a sizeable immigration issue was emerging, the fact is that neither the Department nor anybody else could have anticipated the level of increase now experienced. Even now, the Department cannot say what the influx is likely to be even in six months time. Any changes in the level of applications immediately impacts on a number of areas. To respond to such changes in a cohesive way, it is essential to have full co-ordination across all of the service providers and, in the light of recent experience, it is considered that this can only be properly achieved by the establishment of a central unit with responsibility for the co-ordination of such services and with the authority to ensure full co-operation across the various Departments and

agencies responsible for the provision of services. This matter is addressed in Section 12 of this Report.

2.8. Clearly there is no question of attempting to cut down on genuine asylum applications. It is a matter of moral and international obligation that the State should provide shelter to those genuinely fleeing persecution - as happens in the case, for example, of programme refugees, where refugee status is, in practice, agreed by the Government in advance.

2.9 It is quite evident, however, that the problem is not that we have a large influx of "refugees" but that about 80% of those applying are, without justification, using the refugee channel, in order to bypass the State's immigration controls. An inevitable consequence of this is that genuine refugees are suffering the hardship of delay and those who go through proper immigration procedures, are delayed also. The kind of factors that appear to have contributed to the large increase in asylum applications are set out briefly below. It is clear that it will be possible to "do something" about some of these (e.g. the absence of fingerprinting) but not about others (e.g. the fact that we are fortunate enough to have a booming economy):-

- Announcement in July of the entitlement to work which the Minister believes has been deliberately misrepresented as a general entitlement by those trafficking in immigrants. (Need for improved public relations and better informed public debate - see Section 11).
- Reaction of asylum seekers in the UK to the introduction of Direct Provision (and forced dispersal) from April 2000, when taken in conjunction with the Common Travel Area which enables relatively free movement between the UK and Ireland. (Plan for direct provision here - see Section 7).
- Recent granting of residence to a large number of parents of Irish born children, the majority of whom are asylum seekers. (See Section 8).
- The perception of our relatively attractive Welfare system. (No specific action proposed).
- The booming economy. (A fact - no action proposed).
- Activities of traffickers - (See Section 8)
- Fingerprinting is not a part of the asylum process as yet. (Now planned, see Section 8).



- Delays in processing applications and the fact that there were no deportations since January 1999. (Sections 3 & 9)

### 3. Speedy processing generally

#### Quick turnaround of cases

- 3.1 In looking at the probable causes for the recent increases, it is clear that a system which provides for speedy processing and turnaround is essential. It will serve as a deterrent to those who seek to abuse the asylum process and who see current processing delays as a means of obtaining welfare benefits or (in some cases) as a means of establishing residency - for example - by having an Irish born child or through marriage.
- 3.2 The maximisation of fast track procedures for manifestly founded, manifestly unfounded and humanitarian leave cases should reduce the time frame at first stage processing. This will necessitate a pre-screening of applicants to determine the cases which can be so streamed while ensuring that the quality of such examinations is maintained at the highest level and in line with our International obligations in this area.

#### Appeals Authorities

- 3.3 Failed applicants at first stage must be afforded the opportunity of having their appeal heard at the earliest opportunity. There are currently 4 Independent Appeal Authorities hearing appeals. An Appeal Authority is a person independent of the Minister and the Department, with not less than 10 years' (in the case of Dublin Convention - 7 years) practice as a solicitor or barrister and who has been appointed by the Minister for this purpose.
- 3.4 Difficulties have been experienced in getting Appeals Authorities to provide an adequate service, because of the priority understandably afforded to private practice.
- 3.5 The number of Appeals Authorities is set to increase in the near future. While this will go some of the way towards addressing the appeals backlog, the Department believes that the current criteria necessary for appointment to the post should be reviewed in an effort to attract people who might have more time to devote to it. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] It is proposed therefore that the Refugee Act be amended in the Trafficking Bill to provide for the reduced requirement of five years practice. Pending this legal change the administrative procedures can be amended by letter to the UNHCR.

- 3.6 [REDACTED]  
[REDACTED]



[REDACTED]  
[REDACTED] The Minister for Justice, Equality and Law Reform will report back to the Government on this matter as quickly as possible with a view to introducing any changes that may be considered appropriate by way of amendment to the Trafficking Bill, now before the Dáil.

#### **4. Effective application of the Dublin Convention**

##### Dublin Convention

- 4.1 What the Dublin Convention provides, in a nutshell, is that the obligation to process and decide upon an application for refugee status, rests on the EU jurisdiction in which the applicant first arrives. It is part of accepted practice, throughout Europe, to return applicants to the jurisdiction of first entry under the terms of this Convention, having followed a mechanism which ensures fair procedures. (Ireland has, incidentally, received more applicants under the terms of the Convention than it has returned elsewhere).
- 4.2 The application of the Dublin Convention requires evidence that applicants have first been in or applied for refugee status in another EU State. At present, because most applicants do not produce any documentation, the State has no effective means of identifying applicants or of providing evidence of their being in another EU State. That is one of the reasons why the issue of fingerprinting must be addressed - see Section 8 below.
- 4.3 The Dublin Convention provides that, whenever a convention country decides to take an applicant back, the person shall be removed to that country within a month of the decision. The Department will give priority to the transfer of Dublin Convention cases.

#### **5. Open, fair and clear procedures**

##### UNHCR standards are applied

- 5.1 Asylum applications are currently examined in accordance with the procedures as set out in letters to Ms. Hope Hanlan of UNHCR. They provide for a system to determine applications and the right to an independent appeal, and follow closely the procedural provisions of the Refugee Act, 1996. Despite the fact that the procedures in the Act are followed - and the UNHCR accepts this - there is, nevertheless, a perception that the procedures are not open or fair, as they do not have a statutory basis. The full implementation of the Refugee Act will address this.

### Refugee Act, 1996

- 5.2 The Refugee Act, 1996 was developed against a background of 300-400 applicants per annum. Its principal aim was to give statutory effect to the State's obligations under the 1951 UN Convention on the Status of Refugees. However, due to an increase in numbers seeking asylum, the provisions of the Refugee Act became unworkable. As a result, only 5 sections of the Act were implemented, pending a review of the Act i.e.

Section 1 Interpretation of terms used in the Act

Section 2 Definition of a Refugee

Section 5 Prohibition of refoulement

Section 22 Ratification of the Dublin Convention

Section 25 Provisions of the Extradition Acts, 1965 to 1994

- 5.3 Following a review of the Refugee Act, a number of amendments have been made in order to make it workable. The main amendments provide for:

- (i) The appointment of a Refugee Applications Commissioner with the power to delegate (without this, it would be an impossibility for the Commissioner to function, given the current inflow of applicants).
- (ii) The establishment of a Refugee Appeals Tribunal, consisting of individual independent members who conduct hearings alone, and a Chairperson, whose role will be to allocate work and develop a system of quality control, as well as hearing appeals. (This will represent a considerable improvement on present arrangements).
- (iii) The establishment of a Refugee Advisory Board, consisting of relevant government departments and refugee interest groups, whose role is to advise the Minister on the operation of legislation and policy matters.
- (iv) Fingerprinting of asylum applicants over 14 years of age. (In this connection, see Section 8 below).

Work is ongoing on regulations to implement the Refugee Act and it is expected that these will be ready in a matter of weeks to allow for its implementation early in 2000.

## **6. Integration**

### Report of 1998

- 6.1 In February, 1998, the Interdepartmental Committee on Immigration, Asylum and Related Matters issued a Report on state services for asylum seekers. The Report stated that "when persons have been recognised as refugees or given leave to remain in the State on humanitarian grounds it is necessary that their integration into Irish society be facilitated." The Committee went on to recommend that "all appropriate assistance should be given, to facilitate the integration into Irish society of persons recognised as refugees or given leave to remain in the State on humanitarian grounds."

### Subsequent Working Group Report

- 6.2 The Government accepted the Interdepartmental Committee's recommendations and the Minister for Justice, Equality and Law Reform established an Interdepartmental Working Group in December 1998 to formulate a strategy for implementing the Government's policy so as to respond positively to the needs of persons granted refugee status or humanitarian leave to remain.

The terms of reference of the Working Group were :

"To review the arrangements for integrating persons granted refugee status or permission to remain in Ireland, including the appropriate institutional structures for the delivery of these services and to make recommendations."

- 6.3 Integration is a complex task which will only be achieved through co-ordinated effort across the entire national spectrum of State and voluntary organisations. The State's response to facilitating integration must tackle a range of issues including the development of a tolerant inclusive society, training, (including English language training), access to mainstream services, residence status, education, employment and social inclusion. While a number of State and voluntary Agencies will have a role in this regard, it is evident that Government Departments and Agencies, such as, Education and Science and FÁS will have crucial roles to play in facilitating integration.
- 6.4 The Working Group Report was presented to the Minister on the 10th December and will be published within the next two weeks. Its recommendations should be considered in the context of the review of the overall structures for Immigration and Asylum issues. The integration strategy prepared for the Department of Foreign Affairs, by the Refugee Agency, who also had an input to the Working Group Report, is broadly in line with the recommendations in the Working Group Report.

## **7. Services which cater for the needs of asylum seekers**

A number of Departments and Agencies have service responsibilities

- 7.1 The provision of services such as accommodation, welfare and health are matters for the Department of Environment and Local Government, Local Authorities, Department of Social, Community and Family Affairs, Department of Health and Children and the Health Boards. The Eastern Health Board Refugee Unit in the one-stop-shop in Lower Mount Street, acts on an agency basis, for the Dublin Local Authorities in providing accommodation and also acts for the Department of Social, Community and Family Affairs in providing supplementary welfare allowance and exceptional needs payments to asylum seekers. This arrangement seemed to work successfully while there was adequate accommodation in the Dublin area and until the increase in the number of applications. It is no longer working and must be changed.

Accommodation

- 7.2 In response to the difficulties created by the recent increases the Government decided that asylum seekers should be dispersed throughout the country and that a Central Directorate under the aegis of the Department of Justice, Equality and Law Reform should be established to co-ordinate the dispersal and to plan for the direct provision of basic needs of asylum seekers.
- 7.3 Following advertisements (placed by the Department of JELR) in the National papers seeking offers of accommodation a total of 8156 bed spaces were offered. Local Authorities were requested to inspect all of the accommodation to ascertain its suitability, in accordance with fire and general Health and Safety standards. To date, approximately 112 premises have been inspected but, from the reports so far available, it seems likely that a very small proportion will be suitable and much of that is really only short term in nature - B&B accommodation and other tourist type accommodation that will almost certainly be withdrawn once the tourist season gets underway.
- 7.4 It is the view of the Department of the Environment and Local Government and of OPW that there is not a bank of accommodation available in the private sector to meet even the needs up to next May/June. The Minister is satisfied that, in view of the exceptionally large numbers to be catered for in a very short time, the conventional method of provision of accommodation by Local Authorities is not appropriate to deal with this situation. It is imperative that any State-owned property be looked at urgently to assess the potential for refurbishment and that the possibility of purchasing additional accommodation be considered - (possibly hotel/hostel/large nursing home/boarding school).



- 7.5 Such premises, which might typically accommodate approximately 100 or more asylum seekers, would also facilitate the provision of full board and is therefore consistent with Government decisions on direct provision.

The Minister proposes that O.P.W. will be responsible for the procurement of suitable premises in consultation with the Central Directorate who will be responsible for management arrangements. Such premises will be used to accommodate asylum seekers while their applications are being determined. Pending the sourcing of such accommodation Local Authorities will continue to be responsible for the provision of emergency accommodation for asylum seekers. The Minister is not proposing any changes to the statutory role of Local Authorities to provide housing for refugees in the longer term.

O.P.W. advises that the most cost-effective method of securing accommodation would be likely to be by way of purchase of suitable properties. This would avoid ongoing rental cost and leave the State with an asset to dispose of when it is no longer required. However, the cost of trying to purchase premises to accommodate up to 10,000 asylum seekers in a year would be prohibitive and it is unlikely sufficient premises would be available at reasonable cost. It is therefore envisaged that a strategy aimed at purchasing some of the accommodation required next year and leasing the balance is likely to be the most effective.

While very little evidence of market costs is available O.P.W. advises that based on experience in housing Kosovar refugees, the capital cost of providing each place is likely to be of the order of £30,000. Capital assets would of course be disposed of when no longer required. The cost of leasing accommodation is likely to be of the order of £6,000 per person per annum. These figures are given as indicative only. O.P.W. advise that even with the relatively small number of asylum seekers being housed earlier this year, the market was already somewhat inflated. It is impossible to predict the effect of the additional demand, which has now to be catered for, on the market. The situation will be carefully managed and monitored to minimise the impact of the numbers on cost. The Minister is advised that assuming reasonable conditions and a requirement for 10,000 places, a provision of the order of £80m. for accommodation is likely to be required next year.

#### Emergency Facilities

- 7.6 Because of the shortage of emergency type accommodation in the Dublin area, and the need to plan for an orderly dispersal around the country, it is essential that reception-type accommodation be provided in the Dublin area where applicants can stay for one or two weeks - but no more than that. The Department of JELR is pursuing this objective as a matter of urgency (and has just identified a centre city property which can accommodate c.100 people). It will have a number of advantages



- It will eliminate the need for the Eastern Health Board Unit in Mount Street and the queues of applicants waiting for the services of the Eastern Health Board.
- It will ensure that accommodation is available for asylum seekers on arrival, so as to end the situation where applicants (some with children) are left on the streets overnight.
- It will facilitate an orderly planned dispersal of asylum seekers around the country.
- It will facilitate access to Health Screening without queues.
- It will facilitate access to welfare staff without queues.
- It will facilitate the initial processing of applications without the need for travel by applicants or staff.
- It will facilitate access to the Refugee Legal Service for the initial processing of refugee applications.

The possibility of giving the Refugee Agency a role in the operation of these Asylum Reception Centres will be discussed with the relevant parties.

- 7.7 Facilities could be provided in the proposed centres for Health Screening, Welfare staff and Legal Services. The provision of such services will be discussed with the relevant Departments/Agencies. If more than one health screening unit is required the Department of Health and Children have advised that an additional unit will cost £680,000 in 2000. A number of premises are being considered and - as already indicated at least 200 spaces are expected to be available within weeks, assuming that no serious obstacles are encountered in the meantime. One of the major potential threats could be planning requirements in relation to change of use - the possibility of vigorous local opposition certainly cannot be ruled out. The Minister suggests that the Department of Environment & Local Government, OPW and the Department of Justice, Equality & Law Reform should examine the possibilities to assist speedy resolution of planning issues.

#### Dispersal

- 7.8 To ensure the success of the policy of dispersal and to avoid ghettoization of asylum seekers, it is important that it be effected in a planned and orderly manner. Regard must be had to ethnic groupings, family units, language, local community concerns, education and any follow up to Health Screening etc. Local Authorities and Local Health Boards have a role to play as do local community organisations in preparing to receive asylum seekers in the various areas around the country. This type of preparation must be driven and co-ordinated by the Central Directorate with the assistance of a professionally planned public information strategy (see Section 11). The

difficulties and objections that are likely to be encountered should not be underestimated.

#### Health Issues

- 7.9 Health screening can be facilitated in the asylum reception centres but all other health needs will continue to be catered for by the Local Health Boards. There may, however, be implications for Local Health Boards where asylum seekers are being dispersed and advance planning for G.P. Services and any follow up to health screening etc. may be required. Health screening is an essential requirement. The Department of Health & Children have stressed in view of the Health Boards statutory responsibility for the prevention and control of infectious diseases without making screening compulsory service delivery should be structured in such a way that all asylum seekers can present for screening during the initial processing phase. As certain infectious disease which are comparatively rare in Ireland are more prevalent in the countries from which asylum seekers come and, in the interests of the asylum seekers themselves and of the indigenous population they emphasise the importance of screening and, if necessary, appropriate treatment as soon as possible after arrival in Ireland.

#### Welfare

- 7.10 Pending the introduction of Direct Provision, the basic welfare needs will continue to be met as heretofore. However, when asylum seekers are accommodated on a full board basis, as in the proposed reception centres, welfare payments will provide for exceptional needs only, plus some pocket money as is proposed in the U.K. (The Health Boards will be in a position to operate such a scheme).

#### Education

- 7.11 The dispersal of asylum seekers will also have implications for the Department of Education & Science (both first and second level schools) in the provision of general education and in the provision of special English language training. At present, recognised schools admit children, whose parents are asylum seekers, as students. This they will continue to do. Whether a policy of dispersal of asylum seekers is implemented or not, and in advance of the implementation of that policy, the Department of Education and Science will require additional resources to meet the needs of the increased numbers of children of asylum seekers. Such support is essential if integration policies are to be effective at school level. The Department will take particular note of any further implications, including resource implications, of the implementation of dispersal policies.

#### Direct provision

- 7.12 The Government recently announced that in future the basic needs of asylum seekers may be met through direct rather than cash means. This arose out of a concern that the planned introduction of a direct provision regime in the UK (1st April 2000) would result in a further upsurge of applications here. The Government decided therefore that the newly

created Central Directorate should, in addition to its role in dispersals, draw up a Direct Provision Scheme.

- 7.13 Direct provision involves the elimination of day-to-day accommodation and provisioning expenses by estimating the everyday goods and services required by the individual, and supplying them directly. Direct provision can incorporate a number of approaches, one of which is to provide for needs in a communal setting. This system of provision must of course be sensitive to individual family circumstances. It may involve a high level of private sector/non-governmental organisation involvement and must be drawn up in full consultation with public and private sector interests. The planning task includes:

- Examining the reception/accommodation arrangements in other countries drawing on the experience of the accommodation and welfare arrangements for the Kosovar refugees (who were accommodated in reception centres at a number of locations around the country).
- Examining the various means (cash, vouchers, smart card technology, payment in kind with pocket money) of providing social welfare support for asylum seekers.
- Examining the wide range of services and the methods by which these services are provided to asylum seekers.

The issues which will arise in relation to the dispersal will also inform the planning process for direct provision.

## **8. Prevention of Abuse**

### Exploitation by trafficking

- 8.1 As indicated in the earlier papers prepared on this issue, it is now recognised that the trafficking in human beings by internationally organised criminal entities is on a par, in terms of its profitability, with the international drugs trade. The victims, very often from third world countries, are lured into parting with whatever resources they may have in return for an illegally organised passage to the jurisdiction of choice. The Conclusions reached at the recent European Council Meeting (Tampere - 15th and 16th October '99) include the following material on the question of illegal trafficking and illegal immigration.

"The European Council stresses the need for more efficient management of migration flows at all their stages. It calls for the development, in close co-operation with countries of origin and transit, of information campaigns on the actual possibilities for legal

immigration, and for the prevention of all forms of trafficking in human beings.....

The European Council is determined to tackle at its source illegal immigration, especially by combating those who engage in trafficking in human beings and economic exploitation of migrants. It urges the adoption of legislation foreseeing severe sanctions against this serious crime. The Council is invited to adopt by the end of 2000, on the basis of a proposal by the Commission, legislation to this end."

- 8.2 This State faces considerable difficulties when it comes to preventing illegal immigration. It is a matter of daily experience, for example, that sizeable numbers of illegal immigrants are trafficked across the border with Northern Ireland and from the UK generally. It is virtually impossible to stem this flow because of the existence of the Common Travel Area. Nevertheless some preventative measures are quite clearly necessary if we are not to become the subject of large scale fraud at the hands of traffickers. The Trafficking Bill now at second stage in the Dail, will go some considerable distance in addressing this problem. However, because of the number of border crossings available and the fact that some traffickers will still be prepared to run the risk (as others have done in furtherance of various criminal activities in the past) there is little doubt but that a level of illegal cross-border traffic will remain (see also para. 8.5 below).

8.3 Carriers Liability

A question which arises is whether it is necessary to impose responsibility on carriers such as airlines or ships to ensure that they bring to this country only those passengers who are legally entitled to come here. Most countries impose such responsibility and accordingly sanction carriers who do not live up to this responsibility. Of course if such a system is envisaged it would be necessary to ensure that those genuinely fleeing persecution would still have access to safety in this country. The Minister is urgently considering whether the introduction of carriers liability is necessary to avoid abuse of our asylum and immigration procedures; if he considers that it is necessary he will, without delay, submit the matter to Government for decision.

Increased checks at border crossings

- 8.4 Persons arriving in the State from outside the Common Travel Area are required to present themselves to an immigration officer in order to obtain leave to land. In contrast, no such obligation applies to persons arriving in the State from within the Common Travel Area. Since the making of an Aliens Order by the Minister's predecessor in 1997, an immigration officer may refuse leave to land to such persons on the same grounds as apply to persons coming from outside the CTA. The effectiveness of this particular control mechanism is considerably reduced, however, because of the fact that, in all cases, refusal of leave to land has suspensory effect when the person claims asylum. From that point onwards all the asylum procedures



described earlier come into play, so the obvious way to get round the immigration officer is to claim asylum.

8.5 The Minister in exploring with the Garda authorities the potential for increasing surveillance especially on minor roads across the border. This will be particularly relevant when the trafficking legislation is enacted. There are two aspects, however, which must be borne in mind.

- First, as already indicated when persons who are encountered crossing the border illegally claim asylum, they cannot be returned but must be processed in accordance with the Dublin Convention. It does not follow that, because they have come from the territory of the UK, the UK is the appropriate country to consider their asylum application under the terms of the Convention which means that their claim may have to be considered, substantively, here. This, in turn, means that the applicants will be here for at least some period of time while their cases are being checked, decisions made, appeals processed etc.
- Second, it is not possible to have systematic immigration checks on all persons coming from Northern Ireland or from other parts of the CTA (apart from the fact that 'blanket' checks would be totally impracticable on the border), as this would, in effect, mean the end of the CTA to the great inconvenience of Irish and British citizens alike. It follows, therefore, that immigration checks can only be selective and for the immigration officer, on the spot, this means, to a large extent, challenging persons who happen to look "different". For this reason, selective immigration checks (which do in fact take place) have given rise to many complaints. In particular, when an Irish or British citizen, who happens to look "different" or is a member of an ethnic minority is stopped, it can cause deep and very understandable offence as such a person will see their treatment as mirroring, at official level, the racial hostility they sometimes experience in the wider society.

In summary, therefore, there are no grounds for believing that a major increase in immigration checks on persons coming from the UK would yield results proportionate to the endeavour. That said, there is little doubt that when the new legislation is enacted the level of loss which an individual trafficker could experience if "caught", will render it worthwhile to step up border, port, and airline checks and will tend to deter all but the more hard-core criminal elements.

#### Illegal employment of non-nationals

8.6 At present it is illegal for a non-national to enter or be in employment unless there is a work permit issued by the Minister for Enterprise, Trade and Employment. However, the action of the employer who employs such a



person is not illegal. This is clearly anomalous and unfair and has led to a situation in which illegal working seems to be quite widespread.

8.7 This matter was to be addressed in the Work Permits Bill to be brought forward by the Tanaiste and Minister for Enterprise, Trade and Employment, (which was due for publication late next year). The Department of Enterprise, Trade and Employment - in its observations - suggests that a provision criminalising the hiring of illegals could perhaps, more appropriately, be included in the Minister's comprehensive legislation to replace the Aliens Act (See paragraph 10.6 below). The Department further states that the whole issue of work permits legislation will probably have to be looked at again depending on the outcome of the proposed Interdepartmental Committee on Immigration. The Minister is indifferent as to which Bill provides for the criminalisation of the employment of illegals but he considers that the earliest opportunity should be taken to do so. Such an opportunity might be provided by a Bill to give statutory effect to the changes which will emerge from the work of the Interdepartmental Committee on Immigration (referred to at Section 10 below) and to changes which have already been made informally by the Minister's Department and the Department of Enterprise, Trade and Employment to work permit arrangements - for example, not requiring such permits in the cases of spouses of Irish nationals, the family of Irish children and persons who have been given leave to remain having been in the asylum process.

8.8 The Minister acknowledges that measures to criminalise the hiring of illegals will have to be accompanied by arrangements to provide greater clarity for employers as to the status of persons insofar as their employment rights are concerned (in order to avoid, as far as possible, the creation of difficulties for Irish, British or EEA nationals who belong to ethnic minorities or for other non-nationals who have the right to work). In this context, the Minister is considering how to have a clearer system of indicating permission to remain and the associated conditions on passports and registration certificates of non-nationals. However, in the light particularly of the introduction of measures to facilitate immigration for employment purposes, there can, in the Minister's view, be no valid excuse for the hiring of workers illegally, a practice widely associated with exploitation and abuse. It is a practice which needs to be proscribed by law.

#### Irish born children

8.9

[REDACTED]

[REDACTED]

#### Fingerprinting

- 8.10 The Refugee Act, 1996 as amended by the Immigration Act, 1999 makes provision for the fingerprinting of applicants over 14 years of age. This provision is essential to effectively apply the Dublin Convention and will be brought into effect as quickly as possible. The Refugee Act itself must first be brought into force and the Refugee Applications Commissioner must be appointed (the Act will come into force and the Commissioner will be appointed in early 2000) as an applicant is defined as a person who makes an application to the Commissioner. Initially a manual system can be put in place pending the development of a fully electronic system which, because of EU procurement requirements, will take a number of months. The electronic system will be required for the introduction of EURODAC, a regulation for which is currently being finalised at EU level. (EURODAC is a system which will facilitate rapid exchange of fingerprint/identity information about asylum applicants across the EU).

### **9. Repatriation/Deportation issue**

#### International Practice and Irish Law

- 9.1 In line with international practice, failed asylum seekers must be returned, in accordance with law and fair procedures, to their country of origin, or first safe country. The relevant law, which also specifies the fair procedures is the Immigration Act, 1999 which requires the Minister to take account of a wide range of matters including humanitarian considerations in deciding whether or not to make a deportation order. Failure to implement such measures, however unpopular, would be tantamount to an abandonment of immigration law and would result in widespread abuse.
- 9.2 The Minister's aim is that the deportation, or grant of leave to remain if appropriate, of failed asylum seekers will be considered in his Department at the same rate as asylum claims are processed and that Dublin Convention transfers and the cases of possible non-asylum deportations are processed promptly. He will keep under review the question of whether the staff resources, including those recently sanctioned, are adequate for this. The level of deportations may have implications for Garda resources which will be discussed with the Garda Authorities.
- 9.3 The Immigration Act 1999 provides strict procedures for the consideration and implementation of deportations. Accordingly, staff have to consider a

number of factors and make recommendations to the Minister as to whether he should sign a deportation order. The procedure has to be followed carefully not least because the Minister's decisions can be - and have been - the subject of judicial review.

- 9.4 The Immigration Act and Regulations made under it provide that, in the usual cases, when the Minister signs a deportation order, a notice is issued to the person concerned giving the reasons for the Minister's decision and requiring the person to present themselves to a Garda at a given date, time and place for the purpose of his or her deportation.
- 9.5 The Minister has signed 87 orders up to December 10th since the Immigration Act 1999. The prescribed deportation date has passed in respect of 46 of the 87 - only four have so far been deported. One of these persons consented to deportation and the other two were arrested having failed to comply with the notice sent to them or with the deportation order. Three of the remaining 30 persons have been given leave by the Courts to seek judicial review of the Minister's decision and the rest are being sought by Gardai. When they are encountered, they can be detained for the purpose of deportation. It is intended that arrangements will be put in place with the Department of Social, Community and Family Affairs with a view to ensuring that these persons, if they are in receipt of social welfare payments, establish contact with the Gardai.
- 9.6 The continued non-compliance to date by the vast majority of prospective deportees with the provisions of the Immigration Act, is bound to raise issues in the public mind about commitment to enforce the law in this area. While there are difficulties - not least the fact that some would-be deportees are prepared to take extreme measures to prevent deportation - the Minister believes that there is no option but to step up law enforcement efforts in this area and to introduce any additional legislative measures which might be warranted to ensure the effectiveness of the deportation procedures. The Minister will report further to Government on this matter when he has examined the options for more effective law enforcement in the area of deportations.
- 9.7 There may be some scope for encouraging voluntary repatriation and this will be explored further, as a matter of urgency, with the International Organisation for Migration (IOM) (Exploratory meetings had previously taken place). This avenue is likely to have considerable cost implications and could also be another pull factor, but the Minister agrees that it is, nevertheless an avenue which must be pursued further.

#### Readmission Agreements

- 9.8 Negotiating readmission agreements with a number of countries can also send a signal to those considering coming here. Agreements with Romania and Bulgaria are currently being negotiated. It is necessary, however, to note the view from some other EU Member States is that such agreements

do not necessarily enhance the State's ability to return illegal immigrants. Unfortunately, the harsh reality, on the basis of experience in other jurisdictions, is that, without deportation mechanisms which are seen to be effective, illegal immigrants, by and large, will continue to flout national immigration laws.

## **10. Employment Issues**

### Immigration for employment

- 10.1 At present, a non-national, other than a national of a European Economic Area country has to have a work permit to work legally in Ireland. The work permit is issued to the employer by the Minister for Enterprise, Trade and Employment in respect of a particular employee, usually for a maximum period of a year. The normal criterion for the issue of a work permit is that the employer has found it impossible to recruit an EEA national for the position. This system of immigration for employment purposes is broadly comparable to arrangements in the UK and elsewhere in the EU, inasmuch as none of these countries is proactively encouraging immigration from third countries.
- 10.2 However, concern has been expressed that the present system is not flexible enough to meet the current needs of the Irish labour market. The Tanaiste and Minister for Enterprise, Trade and Employment submitted an Aide Memoire to the meeting of Ministers on 29 November in which she sought agreement that
- A proactive immigration policy be put in place to contribute to addressing the skills and labour shortages of the labour market.
  - This policy be pursued by identifying and promoting job opportunities in Ireland to residents of Northern Ireland, the EEA, the applicant countries for EU membership and elsewhere.
  - Non-EEA nationals seeking employment should not require a work permit but should be granted a working visa (which would entitle them to come to Ireland and seek work, in contrast to the present system whereby an employer has to identify the person s/he wishes to employ and then seek a work permit).
  - An interdepartmental agency or implementation group, under the chairmanship of the Department of Enterprise, Trade and Employment, be established to consider the modalities of the policy and to report to Government by end-February, 2000.
- 10.3 The Minister favours this proposal - he has, on a number of occasions in the past, indicated that he would favour consideration of any changes in



immigration arrangements to facilitate lawful immigration for employment purposes. He considers, however, that the proposed Interdepartmental Committee should be mandated to consider the question in *all* its aspects and that the Government should not commit itself to any specific arrangements until the Committee has reported.

#### Implications for Common Travel Area

10.4 The Interdepartmental Committee will need to have particular regard to the implications for the Common Travel Area with the UK in working out the details of the immigrant employment arrangements which are broadly outlined above. The following considerations, in particular, will be relevant

- (1) Immigrants admitted here under the new employment regime could then enter the UK, illegally, without going through normal (existing) immigration controls.
- (2) The EU now has competence in immigration matters under Title IV of the Treaty as inserted by the Amsterdam Treaty. Ireland and the UK do not take part in Title IV measures but each may opt in if they so wish - the Commission is, at present, developing proposals on immigration of third country nationals.

While it would not, in itself, necessarily create major difficulties if Ireland and the UK decided to go in different directions as regards participation or non-participation in Title IV measures, there would be serious implications if the UK decided that our new immigration policies warranted termination of the CTA.

#### Immigration and residency legislation

10.6 The Minister is preparing comprehensive legislation to replace the Aliens Act 1935 and Orders made thereunder with a new legal code suited to modern needs. He expects to be in a position to put these proposals to Government in the first half of next year. However, as stated earlier, he favours the expediting of the Work Permits Bill to deal with any legislative changes which may be necessary or desirable as a result of the adoption of a proactive immigration policy on the lines discussed above.

#### Facilitating existing asylum seekers in getting employment

10.7 The proposed immigration employment regime outlined above will not of course impact directly on the question of employing present or future asylum seekers (It envisages a system of pre clearance, in the country of origin, in accordance with law, as distinct from allowing persons who have entered the State illegally - and, by definition, without any pre clearance arrangements - to take up employment).

10.8 The Aide Memoire submitted by An Tanaiste and Minister for Enterprise, Trade and Employment, proposes that the current requirement that an employer obtain a work permit before employing asylum seekers (i.e. Those



asylum seekers covered by the Government decision of 26 July last) be removed and that the necessary arrangements for issuing identification letters and for verification procedures be put in place by the Department of JELR and the Department of Social, Community and Family Affairs.

- 10.9 The Minister is agreeable, in principle, to these arrangements. His Department will issue a letter to the relevant asylum seekers stating that they have permission to work by virtue of the Government decision. It will continue to be a matter for the Department of Social, Community and Family Affairs to ensure that there is no abuse of social welfare payments. The Minister's only concerns about the proposals generally are that

- (1) the announcement of this new arrangement could fuel further inflows of asylum seekers as the detail and context may be misrepresented - as happened in the past. Care will be needed, therefore, in making any announcements.
- (2) Great care will be necessary to ensure that letters issued to permit employment do not become the subject of abuse. (The Departments of Social Welfare and Foreign Affairs - consider that this risk can be reduced by using RSI numbers).

- 10.10 The Minister also notes and welcomes the fact that FÁS is setting up a dedicated unit to assist eligible asylum seekers to find employment. Interviews will be held to identify skills and competencies, including language competencies, with a view to directing persons towards job vacancies. The estimated cost of this is £500,000 per annum for a period of two years.

## **11. Racism/Public Opinion**

- 11.1 The increase in recent years in the numbers of non nationals coming here to claim asylum or to work and study has also seen an increase in the incidence of racism and xenophobia. This tendency can very easily become rooted, with very serious consequences. There is need to counter racism, including attacks on immigrants and also to examine how public opinion and debate can be better informed. Programmes to deal with this issue must be developed and presented and the fear element eliminated. The education system, through programmes aimed at educating children on multiculturalism and the wrongs of racism, have a role to play in this. The experience of other jurisdictions which have had to grapple with the evils of racism will be of particular relevance in this regard.
- 11.2 The National Consultative Committee on Racism and Interculturalism was established in June 1998. The Committee is a partnership of non-Governmental organisations (NGO's), State Agencies, Social Partners and Government Departments. The objective of the Committee is to provide an ongoing structure to develop programmes and actions aimed at

developing an integrated approach against racism and to advise the Government on matters relating to racism and interculturalism. The Committee will also endeavour to promote a more participative and intercultural society which is inclusive of persons such as refugees, travellers and minority ethnic groups in Ireland.

- 11.3 This Committee would appear to be best placed to address the issue of public information. While its funding is being increased from £90,000 in 1999 to £150,000 next year, this will not be adequate for the kind of information campaign required. Additional funding will, in the Minister's view, need to be provided if the Committee is to perform this task effectively. The Department of Justice ELR will come forward quickly with more detailed proposals in this regard following consultation with the Departments of Finance and other relevant interests.
- 11.4 The Minister also believes that the use of the National Partnership Forum and the possibility of engaging consultants to facilitate the greater dissemination of information to the public should be examined as a matter of urgency and he seeks the views and advice of other Departments in this regard.
- 11.5 As regards criminal attacks on immigrants, the Garda Síochána is obviously the agency with the lead role. The Gardai have in fact been preparing for this situation and have built into their various courses training which will be required to deal with the behaviour of the small minority who tend to view our growing multiculturalism as a threat to be opposed - by violence, if necessary. The Commissioner has also put arrangements in place to ensure that immigrants, especially in the Dublin inner city areas, where tensions tend to arise, have ready access to the Gardai so that to the greatest extent possible potential conflict can be headed off.
- 11.6 Finally, in the context of encouraging better informed public debate the Minister, as announced some time ago, proposes to publish a comparative study of European asylum systems which was independently prepared, at his request, by University College Dublin. Contrary to suggestions which have been made by various commentators from time to time, the study shows that Irish immigration law and practice is broadly in line with the arrangements elsewhere in Europe.

## **12. Overall Structures**

- 12.1 The Minister believes there is considerable merit in the idea of establishing an overarching service to oversee the day-to-day management of immigration and asylum matters. In line with international practice, policy formulation would remain the responsibility of the Government exercised by the Minister as at present. Such a change has already been under

- consideration in his Department in the context of the introduction of the comprehensive immigration and residence legislation referred to earlier.
- 12.2 The establishment of a separate immigration service would be consistent with developments which have already taken place in the areas of prisons and courts. Similar developments have taken place in other jurisdictions, with varying degrees of day-to-day operational responsibility being transferred to specially created agencies. The implementation of the Refugee Act will of itself be a step in this direction, as far as asylum is concerned, with the appointment of an independent Commissioner. The creation of a separate Immigration service is however, a wider issue.
- 12.3 The details of the structure and functional responsibilities will have to be worked out in detail, including whether it's remit should extend to the public services, for example, accommodation, health, education and welfare. The Minister proposes therefore that the interdepartmental structures already in existence to deal with Asylum/Immigration related issues including the reception and integration services for asylum seekers and refugees will now be reviewed, with a view to identifying the appropriate structures necessary to deal in a coherent and effective way with all Immigration-related issues. The Minister proposes to carry out such a review and to report back to Government by the end of January, 2000.
- 12.4 While it would obviously be premature to attempt, at this point, to sketch out the likely "shape" of a separate Immigration and Asylum Service, or to define the precise nature of its relationship with central Government, the Minister considers it essential that the end result should be such as to ensure that there is a sense of coherence about the way in which the State deals with immigration matters generally. More fundamentally, the Minister considers that the laws, practice and arrangements generally in place should be such that, amongst the characteristics of the State's whole approach in this area would be balance, openness, fairness, consistency, respect for human rights and adherence to the highest international standards in the treatment of immigrants.
- 12.5 Amongst the matters which the Minister will examine in this context will be the role of the Refugee Agency. He envisages detailed consultation with Government Departments and other relevant interests.

### **13. Resource Implications**

- 13.1 To achieve the aims of this strategy adequate resources must be provided. The Department of Finance has recently approved an additional 120 posts for the Department of Justice, Equality & Law Reform and this will be kept under review in the months ahead. It is not possible to quantify the overall resources necessary at this time but it is clear that there will be implications in a number of areas:-

- The implementation of Direct Provision for asylum seekers. (There are resource implications which can not be quantified at this time).
- Deportations (Garda resource implications will be discussed with the Garda Authorities).
- Reception centres - staffing implications for the management, maintenance and catering requirements of the centres. (The Refugee Agency may have a role in this regard, but it will be necessary to consult in more detail on this).
- Dispersal may have additional resource implications for Health Boards which can not yet be quantified.
- Sourcing accommodation (Staffing implications for the Office of Public Works. This matter has already been raised with the Department of Finance).
- Capital and leasing costs of additional accommodation. O.P.W. estimate £80m in 2000.
- Immigration for employment. (Possibility of posting staff from Departments of Enterprise, Trade & Employment and Justice, Equality & Law Reform, to Embassies abroad).
- Funding for the FÁS unit to assist eligible asylum seekers to find employment.
- Racism and public opinion. (Additional funding for NCCRI).

## ANNEX 1

### Asylum Applications 1992 - 1999

	1992	1993	1994	1995	1996	1997	1998	1999 30/11
No. of applications	39	91	362	424	1,179	3,883	4,626	6,507
No. of applications withdrawn before decision	3	52	222	220	550	1,360	803	285
No. of withdrawn applications re-submitted to the asylum process	0	0	0	0	11	53	31	7
No. of applications transferred under Dublin Convention	0	0	0	0	0	15	15	1

#### **FIRST STAGE**

No. recognised as refugees	7	9	34	90	171	124	82	10
No. refused	29	30	106	113	431	1,473	1,903	196
No. deemed abandoned					28	670	848	69
<i>of which returned to first stage determination process</i>							9	
No. found to be manifestly unfounded				1	11	65	103	34
<i>of which - returned to first stage determination process following appeal of manifestly unfounded decision</i>					3	5	4	
<i>granted temporary leave to remain</i>	7	5	66	21	36	0	0	
<b>No. of first instance Applications outstanding</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>234</b>	<b>916</b>	<b>5,919</b>



Table 2

Decisions taken in *						
	1994	1995	1996	1997	1998	1999 (30/11)
Granted refugee status at first stage	4	15	36	209	128	144
Granted refugee status at appeal stage	0	0	0	4	40	336
Refused status of which	27	43	32	304	1,202	4,484
- granted temporary leave to remain at first instance	(5)	(8)	(6)	(120)	0	0
- were found to be manifestly unfounded	0	0	0	0	(104)	(110)
- were deemed abandoned					(2)	(1,613)
- returned to first stage determination process following appeal of manifestly unfounded decision					(12)	
- granted temporary leave to remain following appeal	0	0	0	0	(27)	(35)
<b>Total</b>	<b>31</b>	<b>58</b>	<b>68</b>	<b>517</b>	<b>1,370</b>	<b>4,964</b>

\* It should be noted that these decisions refer to the year in which the decisions were taken and NOT to the year in which the applications were lodged.

## Second stage or appeal stage.

### APPEAL STAGE

No. of cases appealed	6	21	21	73	360	1,272	1202	84
No. of Man/unfounded				1	4	28	49	10
Total appealed	6	21	21	74	364	1,300	1251	94
No. of cases withdrawn before appeal	2	3	6	9	23	90	108	4
No. of cases granted refugee status following appeal	1	1	1	11	90	186	90	
No. returned to first stage determination process					3	5	4	
No. of cases refused following appeal	3	17	14	53	216	358	145	
No. of Man/unfounded refused following appeal				1	1	13	14	
No deemed abandoned					1	4		
<i>granted temporary leave to remain following appeal</i>	{2}	{14}	{5}	{9}	{16}	{15}	{2}	
No. of appeal cases outstanding of which manifestly unfounded	0	0	0	0	30	644 {9}	890 {27}	90 {9}
Appeals outstanding					34	698	783	74
Total								1589
Total no. of case on hand	0	0	0	0	32	878	1,806	6,009

8725

## Appendix 2

### Aide Memoire to Government

*from an Tanaiste and Minister for Enterprise, Trade & Employment*

#### *Developing an Immigration Policy to address Skill and Labour Shortages*

#### Summary

##### Decisions Sought

- Agreement that a proactive immigration policy be put in place to contribute to addressing the skills and labour shortages of the Irish labour market.
- Agreement that this immigration policy be pursued by identifying and then promoting job opportunities in Ireland to people resident in Northern Ireland, the EU/EEA, the applicant countries and elsewhere.
- Agreement that people from outside the EEA seeking employment should not require a work permit but should be granted a working visa.
- Agreement that an inter-Departmental/Agency Implementation Group, under the chairmanship of the Department of Enterprise, Trade & Employment be established to consider the modalities of such a policy and to report to Government by end February, 2000.

##### Analysis

- the pace of inward investment and economic growth is predicated on the rising quantity and quality of labour as well as overcoming infrastructural deficits.
- an average of 10,000 immigrants have been added to the labour force over each of the past three years.
- the breakdown of immigrants was Irish 51%, EU/EEA 31%, non-EU 18%.
- 25% of the forecast annual increase in the labour force to 2005 will be accounted for by immigrants; beyond 2005 one third of labour market growth will come from immigration. The proportion of immigrants who are Irish is declining.
- any additional increase above forecast growth will have to be met from immigration

##### Conclusions

- the labour market is currently tight with the latest survey (1998) showing an overall job vacancy rate just under 6% of employment (53,700 jobs). Some sectors (both high and low skill) have much higher vacancy ratios. Unemployment is currently 97,000 (ILO basis) of which long term unemployment is 42,000.
- The first priority remains to ensure that the unemployed fill labour market vacancies through reskilling and assistance.

- Given the continuing requirement for net inward immigration a framework needs to be developed as part of an overall response to changing skill and labour shortages.
- Current and continuing high rates of net immigration impose additional demands on social infrastructure, particularly accommodation.
- Forfas have been commissioned to examine sectoral labour shortages, the interaction between labour supply and economic growth, growth assumptions and future skills planning. This work will be available to the inter-Departmental/Agency Implementation Group.

### Recommendations

- An immigration policy is required to systematically deal with a key contributor to our future economic growth.
- Such an immigration policy should recognise that EEA citizens have full freedom of movement, residence and employment and currently account for 82% of immigrants.
- Northern Ireland should be priority source so as to develop North\South links.
- Immigration from EU applicant countries could be mutually beneficial and develop links.
- Immigration from non-EEA countries to be facilitated by the introduction of working visas in place of work permits which are employer specific.
- Consideration to be given to permit people from Less Developed and/or Overseas Development Aid countries to take up educational opportunities and associated work experience. Thereafter they could apply for a work visa.
- FAS and the industrial promotion agencies (IDA, EI) should promote job opportunities in Ireland abroad, focusing in particular on skills deficit areas.
- The experience of other countries (Australia and Canada) is that an immigration policy should be skills based and driven by economic criteria so as to address skill and labour shortages.
- The Social Partners should be consulted in relation to the development of an immigration policy and engaged in the process of coping with diversity.
- An inter-Departmental/Agency implementation group (composed of the Departments of Enterprise, Trade & Employment, Justice Equality and Law Reform, Finance, Foreign Affairs and Social Community and Family Affairs as well as Forfas and FAS) should be established under the Chairmanship of the Department of Enterprise, Trade & Employment with the following Terms of Reference:
  1. to examine the putting in place of a proactive immigration policy to address skills and labour shortages on the Irish labour market.
  2. to consider the modalities of any such policy
  3. to consider the issues and costs arising
  4. to report to Government by end February 2000

## Aide Memoire to Government

*from an Tanaiste and Minister for Enterprise, Trade & Employment*

### *Developing an Immigration Policy to address Skill and Labour Shortages*

#### Decisions Sought

- Agreement that a proactive immigration policy be put in place to contribute to addressing the skills and labour shortages of the Irish labour market.
- Agreement that this immigration policy be pursued by identifying and then promoting job opportunities in Ireland to people resident in Northern Ireland, the EUEEA, the applicant countries and elsewhere.
- Agreement that people from outside the EEA seeking employment should not require a work permit but should be granted a working visa.
- Agreement that an inter-Departmental/Agency implementation group, under the chairmanship of the Department of Enterprise, Trade & Employment be established to consider the modalities of such a policy and to report to Government by end February, 2000.

#### 1. Introduction

Contacts initiated by the Department of Enterprise, Trade and Employment with the Departments of Justice Equality and Law Reform and Foreign Affairs as well as with Forfas have identified issues for consideration in the development of an immigration policy.

#### 2. Economic Growth linked to Labour Skills and Labour Supply

##### 2.1 Recent Experience

The economic transformation of the past decade is attributable to an array of mutually-reinforcing factors. Underlying those factors two long-term trends have dictated the pace of inward investment and economic growth: the rising quantity and quality of labour supply.

In the years 1993-8 GNP grew at an annual average of almost 8% with numbers at work increasing by almost 5% per annum. The labour force, which grew by 335,00 (20%) between 1990 and 1998, was able to expand to meet the increased employment demand without overheating the economy because:

- the baby boomers of the 1970's came of age and stayed at home resulting in the proportion of the population of working age rising at double the rate of natural population growth
- the quality of the labour force improved through increased participation in education
- the increased participation by women which is converging towards the EU average (46% to the EU's 51%).
- a turnaround in migration: net emigration reached a total of 160,000 people between 1985 and 1990; between 1993 and 1998 188,500 immigrated (over half of which were Irish people returning) with net immigration amounting to 39,200 people.



Sustained employment growth resulted in unemployment reducing from 220,000 to 97,000 and long term unemployment falling from a high of 125,000 to 42,000.

### 3 Looking to the Future

#### 3.1 *Economic Growth to 2005*

The ESRI and the recently published National Development Plan forecast that GNP growth will average some 5.1% p.a. over the period from 2000-2005. This level of growth is predicated on infrastuctural deficits and labour market tensions being tackled. In order to sustain this level of growth, the labour force must increase by 2% per annum. Due to the decline in the natural increase in the labour force either increased female labour force participation or immigration must make up the difference. Female participation is almost at the EU average implying that immigration will constitute an increasing proportion of labour force growth i.e. 25% of the annual increase in the labour force will comprise of immigrants. This will is forecast to rise to 33.3% for 2005 - 2010.

The growth rate in GNP of 5.1% is quite conservative by recent standards. Should it be exceeded the additional labour force growth would have to be met almost entirely by an additional supply of immigrants, as the natural increase in the labour force is relatively fixed and the capacity to increase female participation above the projected rate will be very limited.

#### 3.2 *Immigration 1996-1999:*

Gross immigration from 1996-1999 amounted to 135,500 (CSO, 1999) but after eliminating those of non-working age and those not working a net total of 32,000 additional immigrants were available for work over the period (see Table I below).

Table 1. Immigration 1996-1999

Gross Immigrants	135,000
of which Working Age 15-64 (82.7%)	112,000
Less Emigrants	79,000
Net Immigration	56,000
Available for work (57.7%)	32,000

An average of 10,000 immigrants has been added to the labour force each year since 1996. The nationality and origin of these immigrants is broken down in Table 2 below.

Table 2 Nationality and Origin of Immigrants 1996-1999

	Nationality	Origin
Irish	51%	
UK	18%	46%
Other EU	13%	20%
US	7%	13%
Non-EU	11%	21%

In summary, Irish 51%, EU 31%, non-EU 18% by nationality

#### 3.3 *Immigration 2000-2005:*

The ESRI estimates that to sustain the growth in the labour force of 2.1% will require on average an inflow of 15,000 net immigrants each year from 2000-2005. Applying the same labour force participation rate for immigrants as above, this will provide an additional 9,000

per annum to the labour force.

The ESRI anticipate that the flow of returning Irish nationals from 2000 onwards will be lower than in recent years hence more of the inflow will have to come from EU and non-EU countries. At the same time, with the up turn in the economies of the EU fewer EU nationals will be seeking work in other countries. This implies that more of the additional supply of labour from immigration must be met from non EEA nationals.

It should be noted that the ESRI assumption of 15,000 net immigration will be lower on average over the period 2000-2005 than over the past three years e.g. the most recent CSO figures show a net migration figure of 18,500 (year ending April, 1999).

The ESRI forecast is based largely on the assumption that the high cost of accommodation will deter potential immigrants. The ESRI assume that immigration in the period 2006-2010 will be higher as accommodation costs moderate. However, non-Irish immigrants may not be as constrained by accommodation costs as returning Irish nationals (usually with families) and in a booming economy inflow levels may well be higher, than those projected by the ESRI.

### 3.4 *Labour Supply and Demand 2000-2005:*

Unemployment was endemic in the 1980s. Today the labour market is tight with significant skill and labour shortages apparent. The ESRI forecast employment growth of 2.1% p.a. in the period 2000-2005. The projected rise in the labour force of 2% would suggest a broad equilibrium between employment growth and supply of labour with the labour market remaining tight. The recent survey (ESRI/FAS/Forfas) of vacancies in the private sector, shows that there was a vacancy rate of 6% in 1998. This ranged from 15% for computer professionals to 8% for unskilled individuals. The high rate of vacancies emphasises the need to sustain labour force growth and a need to manage more proactively the nature and volumes of migration inflows.

## 4 Analysis

- the pace of inward investment and economic growth is predicated on rising quantity and quality of labour as well as overcoming infrastructural deficits.
- GNP grew at an annual average of almost 8% in the period 1993-8 with numbers at work increasing by almost 5% per annum
- ESRI forecast that GNP growth will average 5.1% p.a. from 2000-2005 with a labour force increase of 2% per annum
- an average of 10,000 immigrants have been added to the labour force in each of the past three years.
- the breakdown of immigrants was Irish 51%, EU 31%, non-EU 18%.
- 25% of the forecast annual increase in the labour force to 2005 will be accounted for by immigrants; beyond 2005 one third of labour market growth will come from immigration.
- any additional increase above forecast growth will have to be met from immigration

## 5 Conclusions

- the labour market is currently tight with an overall vacancy rate at or above the 6% of employment. The high-tech sector is experiencing the greatest difficulties but shortages for low skill jobs are also wide-spread. More up-to-date data on sectoral shortages is required to inform policy decisions.

- the ESRI forecasts for GNP growth, labour force growth and immigration and employment growth which informed the macroeconomic underpinnings of the National Development Plan appear cautious by recent experience. Further work is required to quantify the interaction between labour supply and economic growth.
- Competitiveness in offering high value-added/high-skill products and services in a globalised market is the key to continuing success. A constrained labour market pushes up wage rates and costs thereby eroding competitiveness and our growth potential. More analysis is required on the assumptions underlying economic growth forecasts i.e. are they constrained by labour supply.
- Addressing skill shortages is largely a function of the time taken to train new entrants or reskill other labour market participants. Notwithstanding manpower planning and educational investment skill shortages are currently being experienced. More work on future skills planning is required.
- Forfas have been commissioned by the Department of Enterprise, Trade & Employment to examine sectoral labour shortages and the interaction between labour supply and economic growth. This work will be available to the Implementation Group to inform consideration of these issues.
- The first priority should be to ensure that the unemployed fill labour market vacancies through reskilling and assistance. More needs to be done to improve the incentive to return to work through taxation/welfare reform, childcare and medical card entitlement. Improvements in the incentives to return to work are expected in the forthcoming Budget.
- Continuing historically high rates of net immigration are a requirement for rapid economic growth prompting the question as to the level of economic growth desirable from a societal perspective. It is possible there is no middle way as fine-tuning may not be an option with an economic slowdown the only alternative.
- Given the continuing requirement for net immigration a framework should be developed as part of an overall response to address skill and labour shortages.
- Immigration can also address current shortfalls in high-skill sectors pending the return on the investment in human capital through educational initiatives.
- Continuing high rates of net immigration will impose additional demands on social infrastructure, particularly accommodation.

## 5 Recommendations

- An immigration policy for Ireland should recognise that EEA citizens have full freedom of movement, residence and employment and currently account for 82% of immigrants.
- Northern Ireland should be priority source so as to develop North/South links.
- Immigration from EU applicant countries could be mutually beneficial and develop links.
- Immigration from non-EEA countries to be facilitated by the introduction of working visas

in place of work permits which are employer specific.

- Other considerations may need to be built in to permit people from Less Developed and/or Overseas Development Aid countries to take up educational opportunities and associated work experience. Thereafter they could apply for a work visa.
- FAS and the industrial promotion agencies (IDA, EI) should promote job opportunities in Ireland, particularly in skills deficit areas, through participation in job fairs/exhibitions in Northern Ireland/UK, rest of EU/EEA, Rest of World (employers to participate as appropriate).
- Given the long-term consequences arising from developing a proactive immigration policy its development should be fully informed of the economic and social issues arising.
- The experience of other countries (Australia and Canada) is that an immigration policy should be skills based and driven by economic criteria so as to address skill and labour shortages.
- The Social Partners should be consulted in relation to the development of an immigration policy and engaged in the process of coping with diversity.
- An Inter-Departmental/Agency Group (composed of the Departments of Enterprise, Trade & Employment, Justice Equality and Law Reform, Finance, Foreign Affairs and Social Community and Family Affairs as well as Forfas and FAS) should be established under the Chairmanship of the Department of Enterprise, Trade & Employment with the following Terms of Reference:
  1. to examine the putting in place of a proactive immigration policy to address skills and labour shortages on the Irish labour market.
  2. to consider the modalities of any such policy.
  3. to consider the issues and costs arising.
  4. to report to Government by end February 2000.

Appended is an outline of an immigration system (on which many issues arise) which would be for consideration by the Inter-Departmental/Agency Group.



## Appendix

### *Possible Shape of an Immigration System*

#### Promotion

- Ireland has a positive image attractive particularly to younger and family-forming labour market participants
- Ireland proactively make known (media, Internet, embassies & consulates) that it is open to consider applications for people to apply for working visas (duration?)

#### Operation

- Driven through the visa system with those qualifying being issued with a working visa (through nearest Irish embassy/consulate) prior to departure permitting work in Ireland for a designated period. Preclearance in advance of travel. No work permit required.
- Department of Justice (or its immigration agency?) to issue visa which will have been applied for either through embassies or consulates (or direct from Dublin?)
- First come first served with list held by Justice (or its immigration agency?) (reviewed on an annual or quarterly basis?)

#### Eligibility criteria

- English language and/or other relevant language (for teleservices)
- Skills driven (with skills in short supply to be defined quarterly in consultation between Departments, Forfas and FAS and communicated to potential applicants). With direct applications who determines that the stated skills/qualifications are true? Discard applicants in the process if skills requirements change?
- Applicants to demonstrate they have cash available to tide them over for a period (2 months?) until employment obtained?
- preference to ODA recipients and EU applicant countries?

#### Control

- Duration of stay (1 - 2 - more years?)
- Annual renewal? (by Justice on passports?)
- Overall immigration limits set annually with quarterly sectoral skills shortage reviews

#### Issues arising

- Statutory basis? (Justice advise that legislation required)
- EU implications given Community preference on employment?
- accompanying dependants?
- dependants subsequently joining?
- social costs (particularly social welfare entitlements/refunds)?
- Citizenship rights?
- ODA preference?
- Social Partners on board?
- would a preclearance immigration system be less flexible than the existing Work Permit regime?
- preclearance system may be too elaborate/costly for issuing 3,000 - 5,000 working visas per annum



S180/20/10/0122A

14 Nollaig, 1999.

An Rúnaí Príobháideach

An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

I am to refer to the memorandum ref. 69/6926/99 dated 13 December, 1999, submitted by the Minister for Justice, Equality and Law Reform, concerning the asylum and immigration strategy and to inform you that, at a meeting held today, the Government noted and approved the proposals as set out in paragraph 1 of the memorandum, on the understanding that any proposal to move health screening would be a matter for further consultation with the Eastern Health Board.

**Frank Murray**

Ard-Rúnaí an Rialtais

-----  
An Rúnaí Príobháideach

An Tánaiste agus Aire Fiontar; Trádála agus Fostaíochta, An tAire Airgeadais,  
An tAire Sláinte agus Leanaí, An tAire Gnóthaí Sóisialacha; Pobail agus  
Teaghlaigh, An tAire Gnóthaí Eachtracha

Mar eolas don Aire

Oifig an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí:

Office of the Minister for Justice, Equality and Law Reform

Ref. No. 69/6926/99

Summary

4 February, 2000

Memorandum for Government

Asylum, Refugee and Immigration matters

1. Decision sought

2. Matters to note

The Minister asks the Government to note :

- i. the progress in the development of policy for the dispersal of asylum seekers and for providing directly for their needs, including the structures to meet those needs and agree, in principle, the approach being adopted.
- ii.
- iii.

6.      **Part 2 - Progress on the development of policy on the dispersal of asylum seekers and direct provision**

The report provides an update on the numbers of asylum seekers dispersed to date, the situation in relation to accommodation and a framework for the development of policy and the structures envisaged for both dispersal of asylum seekers and direct provision.

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6. Policy on dispersal of asylum seekers and direct provision

Part 2 of the Minister's report provides an update on :

- the numbers of asylum seekers dispersed to date

- the situation in relation to accommodation,

Based on statistics for the last few months of 1999 and January, 2000, it is likely that we will receive in the region of 12,000-15,000 asylum seekers in the year 2000. To date, one hotel has been purchased in Dublin, at a cost of £1.4m. This will be a reception centre, which will accommodate between 100 to 120 asylum seekers during the initial reception period of two weeks approx.. There is a need for this type of accommodation for approximately 500-600 persons per night. The OPW have estimated that capital costs for the year 2000 will be in the region of £80m. Of course any buildings acquired will be assets of the State in the future. In addition to the



capital costs, accommodating and providing for each asylum seeker in State owned accommodation will cost in the region of £6,000 per year. The cost of accommodating asylum seekers in private sector accommodation would be £11,000 each per year.

- a framework for the development of policy and the structures envisaged for both dispersal of asylum seekers and direct provision. The approach provides for a management structure at central, regional and local level and recommends meeting the needs of asylum seekers through the provision of full board accommodation with reduced allowances and linked to a limited timeframe for processing asylum applications. Agreement, in principle, is sought on the approach being adopted.

## Part 2

### Dispersal of asylum seekers and direct provision

#### 1. Introduction

Arising from the Government decision that asylum seekers be dispersed and throughout the country and that their needs may be met by way of Direct Provision, the Minister wishes to inform the Government of developments in relation to both of these issues. Following the Government decision on 15th November 1999 to establish a cross-departmental team under the central direction of the Minister for Justice, Equality and Law Reform, the Directorate for Asylum Support Services was established to manage services for asylum seekers.

A total of 55 staff has been sanctioned for the Directorate including staff from other Government Departments. Up to 04/02/00, 22 staff have been assigned. It is hoped to have the balance of staff in place by the end of March.

#### 2. Dispersal

##### 2.1 General Update

Because of the emergency situation which developed due to the shortage of accommodation in the Dublin area, it became necessary to disperse asylum seekers to any suitable accommodation throughout the country without advanced planning or preparation. Sending asylum seekers to areas without preparation of either the host communities or the asylum seekers is very undesirable but could not be avoided having regard to the timescales and resources available.

The total number of accommodation offers up to 4th February, 2000, was 588 with bed spaces of 12,359. Based on reports to date, most of this accommodation is not likely to be suitable because of type, short term availability etc..

All offers of accommodation were sent to the relevant Local Authorities by the Directorate for Asylum Support Services for inspection under the Fire and Housing Regulations. A report on the Local Authorities visit to the accommodation was requested in all cases. The initial search for suitable accommodation concentrated on facilities that have 10 or more places.

Between 20th November 1999 and 3rd February, 2000

- 163 inspection reports have been returned by Local Authorities
- 75 offers are no longer valid
- 21 facilities are currently being used
- 1005 asylum seekers have been dispersed to these facilities
- 840 asylum seekers are currently residing in these facilities - a number have left and moved to private accommodation, mainly from self-catering accommodation where they were in receipt of supplementary welfare allowance and consequently qualify for rent supplement.

Full Board accommodation with reduced allowances has been provided to 565 asylum seekers at 13 locations.

There are still over 400 accommodation offers yet to be inspected by the Local Authorities. The majority of these properties are small units in the private rented sector. In this regard the Local Authorities have not been instructed, as yet, to visit smaller units of accommodation. The Directorate is in daily contact with the relevant Local Authorities seeking reports on the larger offers of accommodation

## 2.2 Dispersal Policy

The Directorate for Asylum Support Services is preparing a draft policy document which will outline a strategic approach to ensure the success of Dispersal and such an approach will prevent the marginalisation of asylum seekers within host communities. The Directorate for Asylum Support Services would have overall management responsibility for dispersal and direct provision. A number of regional Committees, possibly to correspond with Health Board areas is currently being considered. The Committees would represent a partnership between all relevant State agencies and NGO's and would be responsible for supporting the policy at regional level and the management structure in reception/accommodation centre within their region.

The policy framework will set-out the proper structures at both national and local level to effect, manage and monitor dispersal and its final shape will be dependent to some extent on the type and range of accommodation and the geographic spread.

This strategic approach will provide a management structure at central, regional and local level which will support and manage the implementation of both dispersal and direct provision. For dispersal of asylum seekers to be successful, it is imperative that co-ordinated structures be put in place that represent the interdepartmental sectors to support the management structures within reception/accommodation centres in the area.

Whatever system of direct provision, or otherwise, is used to provide longer term accommodation for asylum seekers, the need for initial reception centres has been clearly identified. This concept would have the support of the NGO community. An initial centre is necessary to ensure the existence of a supportive environment for asylum seekers on arrival in this country and to allow for initial processing of the asylum application and to enable an orientation programme to be delivered.

Ideally, a period of 7-14 days in such reception centres is required when an asylum seeker arrives in the country to:

- complete the initial administrative process and allow for planned and orderly dispersal
- complete an initial evaluation of the asylum seeker in relation to his/her individual needs
- conduct health screening
- arrange welfare payments
- inform and prepare the local community for the arrival of asylum seekers in their area
- allow for access to the Refugee Legal Service

- allow for access to Non Governmental Organisations and visa versa
- prepare the asylum seeker for dispersal

The individual needs of an asylum seeker could include:

- the maintenance of a family unit
- special needs in relation to diet and religion
- the needs of young children
- specialist requirements for age, disability or health problems

### **3. Direct Provision**

#### **3.1 General**

Direct Provision is a means of meeting the basic needs of food and shelter of asylum seekers directly rather than through full cash payments. Essentially, this means a very much reduced personal allowance would be provided to meet personal needs such as toiletries etc. In the UK, the value of this personal allowance is £10 (IR£14) for adults and £5 (IR£7) for children.

The Department of Social, Community and Family Affairs has agreed that a payment of £15 per adult and £7.50 per child is an appropriate rate where other needs are being provided for directly. It has also been agreed that the payment of this personal allowance can be made via a Social Services Card at a local post office. This allowance will be financed from the Supplementary Welfare Allowance (SWA) Vote. A once off payment can also be made via the same method to provide for clothing and other exceptional needs.

The various options that might be available to meet asylum seekers needs by a method other than full cash payments have been examined. This process included consultation with other Government Departments and the comparative studies of other European Systems, mainly the UK, Finland, Germany and the Netherlands.

Each option considered below is dependant on the availability of suitable accommodation and in addition to each option, a reduced personal allowance as described above is made to each asylum seeker.

Possible options were identified as follows;

- Smart cards + accommodation
- Vouchers + accommodation
- Full board accommodation

#### **3.2 Smart Cards**

A Smart card is a card similar to a credit card which can be credited on a specified date and used in outlets which have smart card readers. Some of the advantages and disadvantages associated with smart cards are listed below.

### Advantages

- Smart cards are customer friendly and simple to use
- Each asylum seeker could receive a personalised card
- The benefit amounts on the card can be varied, changed and split into different categories according to their different uses ( food, clothes, transport, cash etc.)
- The cards can be issued for different validity periods ( one week, one month, etc.)
- The smart card system is flexible and almost fraud proof
- The cards can be programmed to restrict their use
- They offer a high level of control in that they can be immediately taken out of use if the asylum seeker leaves the State etc.

### Disadvantages

- The required infrastructure is not yet in place in Ireland or the UK to establish such a system.
- A payment terminal is required at every sales point similar to current credit card/laser card systems.
- The provision of smart card based services would require significant investment
- The use of smart card systems is more advanced in the USA, Germany, and some Northern European countries where there is a cashless society culture. It may be at least another three years before the necessary infrastructure is developed and operational in both the UK and Ireland.

## 3.3 Vouchers

Vouchers can be redeemed in specific outlets for goods and services. Some of the advantages and disadvantages associated with a voucher system are listed below.

### Advantages

- Cash is taken out of the system
- The use of vouchers instead of cash payments may deter those asylum seekers who are, in reality, economic migrants
- Vouchers may have little or no value outside their appropriate context

### Disadvantages

- Voucher systems are complex and incur significant administration costs
- A voucher system requires the co-operation and agreement of retail outlets. Ideally, there should be a large variety of redemption possibilities through contracts with national trade outlets and local shops which distribute essential consumer goods as well as goods catering for different ethnic dietary needs
- Vouchers may lead to exploitation of asylum seekers by shop keepers as they don't speak the language or understand the currency



- Vouchers may be passed on from one asylum seeker to another and cashed, forged, duplicated or mass produced. Experience indicates that welfare cheques and asylum seeker cards have been forged quite easily in the past
- A black market may develop in that vouchers may be sold and exchanged for cash at a lower value
- The vouchers may not be exchanged by asylum seekers for the purposes they were intended
- Voucher users may feel stigmatised
- The resistance to vouchers is substantial

Direct provision with vouchers is seen by almost all Non-Governmental Organisations as a gross violation of human rights and should be avoided at all costs. It is seen as punitive and discriminatory, its opponents claim that it marginalises and stigmatises asylum seekers. It causes humiliation, reduces choice, limits access to commercial and public facilities. It may be unconstitutional and at best is considered very rigid.

A voucher based system of support will be used in the UK from 1st April 2000. They are aware of the many disadvantages which come with vouchers. The UK considers that the small denominations of the vouchers (the highest is £5, the lowest is 5p) should deter fraud. The UK is not using full board accommodation because of the scale of the operation. In 1999, the UK had 71,161 asylum seekers and there isn't sufficient availability of large accommodation facilities to provide full board accommodation. All accommodation will be provided, through Direct provision, in the 150,000 units of clustered accommodation which have been identified in the private rented sector.

### 3.4 Full Board Accommodation with reduced allowances

Full Board accommodation means that all accommodation and dietary needs are met within the facility. Some of the advantages and disadvantages associated with full board accommodation are listed below.

#### Advantages

- A management structure can be in place to cater for all asylum seeker needs
- Interpretation facilities can be provided in a structured manner
- It is easier to network through communal living
- The accommodation and dietary needs are being met directly and are monitored closely
- It is easier for agencies to tailor services because the asylum seekers are grouped together
- It is easier to arrange health care examinations
- Removal of incentive for economic migrants and of the pull factor

#### Disadvantages

- Asylum seekers would be treated differently to Irish people
- There is opposition to full board accommodation from the NGOs because it reduces choice

### 3.5 Evaluation

Based on the options which have been outlined above, the smart card option would not be suitable because of the current lack of smart card infrastructure. A voucher system would seem to have more disadvantages than advantages from an operational perspective and there would be a considerable lead time required to put the necessary components in place. Thus the option which seems best suited to the Irish situation is the full board option which can be provided either directly by the State or by private enterprise or perhaps a combination of both which would be more flexible to respond to changes in the numbers applying. It is considered that this system of providing for asylum seekers needs to be for a limited period i.e. 6 months and should, therefore, be linked to a short processing time. This option, so linked, would be likely to have general acceptance and support even in the NGO community.

### 4. Sourcing accommodation

The availability of sufficient accommodation is a major problem. The offers of accommodation already received will not provide even for medium term needs. It is the view of the Department of the Environment and Local Government and of the Office of Public Works (OPW) that there is not a bank of accommodation available in the private sector to meet the needs of asylum seekers after the end of March, 2000. If the rate of asylum seekers entering the country continues at recent levels, the number of asylum seekers in the year 2000 could be in the region of 12,000 - 15,000.

In recent weeks, OPW have assigned a specific team to work full-time on the procurement of suitable premises in consultation with the central Directorate who will be responsible for management arrangements. Immediate requirements will be sourced by the OPW in consultation with the Directorate for Asylum Support Services. A number of options are currently being pursued. Like our European neighbours who are also experiencing an increase in the number of asylum applications and who are also running out of accommodation, the possibility of using flotels (floating hotels) and specially constructed prefabricated accommodation are being considered. Once research on the possible options has been completed, consideration may need to be given to the provision of purpose built long term accommodation for Reception Centres. It should be noted that if it is necessary to be pursue this option, it would take a least 18 months to complete.

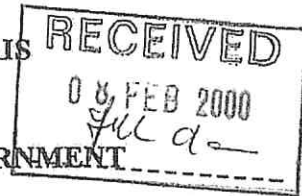
The issue of planning procedures and the possibility of streamlining the decision process needs to be addressed, both in the context of possible change of use applications for premises currently being offered as dispersal accommodation and (possibly) in relation to any specific purpose built solution which the Government might later choose to exercise. This is being considered in consultation with the Department of Environment and Local Government and the Office of Public Works.

Government will be advised on progress in sourcing additional accommodation and in particular, bringing into use any unused State facilities, in the near future. There is no specific funding provided within the OPW Vote in 2000 or following years to deal with this issue. The matter will therefore fall to be deal with by way of supplementary estimate at the appropriate time.

S 13/3/99

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Asylum, Refugees and Immigration Matters

1.

2.

3.

Feasibility of providing accommodation under the policy proposed, and its effects on the housing market

4. Under the policy proposed full board would be provided either directly by the State or by private enterprises or by a combination of both. However the Memorandum before the Government states that "there is not a bank of accommodation available in the

private sector to meet the needs of asylum seekers after the end of March 2000; if the rate of asylum seekers entering the country continues at recent levels, the number of asylum seekers in the year 2000 could be in the region of 12,000-15,000." If Ireland's relative attractiveness increases, these numbers will clearly grow further. Since the private sector cannot meet the accommodation need, the implication under the proposed policy would be that the State should. The following points then arise:

- the cost of providing a place, whether by building or purchase, could be about £30,000 per head. If, say, 5,000 places were provided, the Exchequer cost would be £150m
- constraints on supply capacity in house building raise a major questionmark over the feasibility of the State's providing any significant number of built places in anything but the medium to long run
- acquisition by the State of houses would add to the serious pressures facing the indigenous population in seeking housing, particularly in the Dublin area. It could also push up house prices. Similar factors apply to the impact of asylum seekers on the rented housing market
- only a tiny fraction of asylum seekers already here are residing in accommodation provided by public bodies. 850 asylum seekers have been dispersed to these facilities and 768 are currently residing in them. A number have left and are in private accommodation where they are in receipt of Supplementary Welfare Allowance and rent supplement. There would seem to be no effective policy in force to stop them doing this. If that is the case, the full board option proposed will not work.

S180/20/10/0122A

8 Feabhra, 2000.

An Rúnaí Príobháideach

An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

I am to refer to the memorandum ref. 69/6926/99 dated 4 February, 2000, submitted by the Minister for Justice, Equality and Law Reform and the aide memoire ref. S13/3/99 submitted by the Minister for Finance and to inform you that, at a meeting held today, the Government

- (1) agreed that the report of the Interdepartmental Working Group on integration should form the framework for integration policy in Ireland, and its recommendations should be implemented;
- (4) decided that the Minister for Justice, Equality and Law Reform should prepare a report on the arrangements being made and the timescale for the introduction of direct provision; and



- (5) agreed that the report on direct provision, progress in implementation of the decisions of 14 December, and the other matters covered by the memorandum should be considered at a meeting of the Cabinet Sub-Committee on Asylum Seekers.

**Dermot Mc Carthy**  
Ard-Rúnaí an Rialtais

Oifig an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí  
Office of the Minister for Justice, Equality and Law Reform

Ref. No. 69/6926/99

27th March 2000

Summary

Memorandum for Government  
Asylum, Refugee and Immigration matters

1. Decision sought

The Minister asks the Government to:

- (iv) note progress in relation to the planning for a system of direct provision for asylum seekers including the state of play on the provision of accommodation.
  - (v) agree that in the case of the transfer of sites from the Department of Defence to OPW fair market rates for such sites should be determined bilaterally and without a third party and that, should a disagreement arise over price, the urgent binding recommendation of the Valuation Office should be sought without delay.
  - (vi) agree that the number of places required and the costs arising under the system of direct provision for asylum seekers, including accommodation and their phasing and any offsetting savings, should be discussed further and agreed with the Minister for Finance.
  - (vii) agree that mobile home accommodation be provided for asylum seekers in the former army barracks in Kildare.
  - (viii) agree the proposed mix of temporary and permanent accommodation.
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2. **Background**

Aising from a meeting of the Cabinet Committee on Asylum, Refugee and Immigration Matters held on 15 February 2000, the Minister proposes to update the Government on the position in relation to accommodation and direct provision for asylum seekers,

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- (vii) agree that mobile home accommodation be provided for asylum seekers in the former army barracks in Kildare.

(viii) agree the proposed mix of temporary and permanent accommodation.

2. **Background**

- 2.1 At its meeting on 14 December, 1999, the Government agreed a strategy which included a number of initiatives in the areas of asylum and immigration (Government Decision S180/20/10/0122A of 14 December 1999 refers). Additional measures in relation to asylum, refugees and immigration were agreed by the Government on 8 February 2000 (Government Decision S180/20/10/0122A of 8 February 2000 refers). Arising from a meeting of the Cabinet Committee on Asylum, Refugee and Immigration Matters held on 15 February 2000, the Minister proposes to update the Government on the position in relation to direct provision for asylum seekers, including the issue of accommodation,



#### 4. Accommodation and Direct Provision

##### 4.1 Introduction

The Government decided in September 1999 (S180/20/10/01/22A) that asylum seekers would be dispersed throughout the country and have their needs met by direct provision.

At that time, there were approximately 1,000 asylum seekers per month coming into the country. This figure increased to over 1,200 in December 1999. There have been 2,598 applications made up to 24 March this year with 976 in January and 864 in February. In deciding what the accommodation requirement will be for this year, a number of assumptions were made.

- \* If the current trends continue, approximately 1000-1200 asylum seekers will arrive each month. This represents an inflow of between 12,000 and 15,000 this year.
- \* A processing time of 6 months, on average, is assumed on the basis of targeting new cases.

Accordingly what is now being proposed is the provision of 8,000 spaces based on a 6 month processing time. There will obviously be a need to accommodate a % of applicants beyond the 6 month period either because the claims for asylum have not been processed or because they are awaiting deportation or judicial reviews etc. It is considered however, that asylum seekers should not be accommodated on a full board basis beyond the 6 month period. The options thereafter would be to provide vouchers or accommodate them in centres on a self catering basis where the State would still have control of where they reside and where they would be readily contactable, in the event of finalising their asylum applications or enforcing deportation orders as the case may be. These options will be further developed in another Memorandum very shortly.

Those granted refugee or other status will have access to all of the available accommodation tenures which includes consideration for inclusion in Local authority housing waiting lists.

## 4.2 Accommodation

All of the possible options have been explored and, having regard to the short time frame, it will be necessary to use a mix of options to provide for requirements at least in the short to medium term. All the accommodation types proposed here are already used as accommodation for asylum seekers in the Netherlands and other E.U. countries.

### 4.2.1. Types of accommodation

#### \* Full Board contracts with Hotels, Guest houses, Hostels

The offers of accommodation from the private sector should produce spaces for approximately 2,000 asylum seekers during 2000. As some asylum seekers have already been accommodated on a direct provision basis since December, approximately 600 of these spaces will already be occupied on 1 April leaving approximately 1,400 to be brought on stream.

#### \* Hotels and other properties purchased by the State

The Parnell West Hotel in Dublin, has already been purchased by the State and hotels in Tralee and Rosslare are in course of purchase. The combined capacity of these hotels is 280. In addition, the purchase of a retreat centre on 7 acres in Carlow is being pursued. The accommodation there can cater for 40 immediately and the site can be used for mobile homes or system built accommodation.

#### \* Flotels

A flotel is a floating hotel. The flotel is towed/transported into its berthing location and stabilisers are put in place to secure it. The structure operates the same way as a hotel. This type of accommodation is currently used to house asylum seekers in the Netherlands and in Germany. Three offers have been made to the OPW to provide floating hotels to asylum seekers. A flotel can accommodate between 300 and 600 people.

Firm indications have been received from two ports (Waterford and Cork) in relation to accepting a Flotel. Other ports have indicated difficulties in their ability to accommodate such vessels (e.g. Dublin, Dun Laoghaire, Galway, Limerick, Sligo, Drogheda, etc.). In general, the "difficulties" range from physical incapacity to cater for a vessel of the size proposed, including provision of services, to local reaction and impact on port business. One possible site in Dublin is under the aegis of the Dublin Docklands Development Authority.

Standards in relation to occupancy, management, fire and marine safety are being developed jointly by the Departments of the Marine and Natural

Resources, Environment and Local Government, the Directorate and the Office of Public Works.

Due to the nature of flotel, the various statutory agencies appear currently to have difficulty deciding who is the appropriate regulatory body responsible. A delegation, comprising representatives of Local Authority Fire Officers, including the Waterford Fire Officer, OPW, the Department of the Environment and Local Government and the Directorate travelled to Norway on 21 March to inspect a flotel which it is proposed to acquire for siting in Waterford.

The flotel has 206 rooms and is capable of accommodating 490 asylum seekers. However for reasons of safety and the well being of the asylum seekers it is proposed not to accommodate more than 350 in the flotel, at least in the short term.

In general, the fire officers expressed themselves satisfied with the flotel from a fire and safety perspective but indicated that a number of modifications would be required to comply with Irish standards. They are preparing a report on the flotel which will set out the modifications required and the provider will be asked to comply with these.

It is also proposed to site a flotel in Cork Harbour catering for 300 asylum seekers. Negotiations are on-going with the provider and an inspection by the appropriate Fire Officers is being arranged.

#### \* Mobile Homes

Mobile homes may be used as accommodation for asylum seekers in the same way as used to accommodate 259 Kosovar refugees in the former army barracks in Kildare. There are currently 84 mobile homes in place there. It is envisaged that up to 1,000 places on a full board basis can be provided in mobile homes on sites in Athlone (owned by OPW) and former army barracks in Kildare and Tralee. Cooking, dining and recreational facilities will be provided in prefabricated accommodation which has been sourced by the OPW. OPW have made contact with providers of mobile homes and have placed orders for an initial tranche of 41 mobile homes. Preliminary evaluation of the sites has commenced with a view to assessing what is necessary in terms of site works and infrastructure (phones, water etc.).

The former army barracks in Kildare consists of 60 acres approximately is of sufficient size to accommodate both the asylum seekers and the Kosovar refugees currently living there. The latter occupy an area of about 100 square metres. A separate entrance is available and the site to be used by asylum seekers can be separated by means of a boundary or fence from that being used by the Kosovars.

The Department of Foreign Affairs have serious reservations about placing additional mobile homes on the site to accommodate asylum seekers and doubt the wisdom of accommodating different groups on the same site who receive different treatment. That Department also have reservations about the advisability, psychologically, of "fencing" off the Kosovars / asylum seekers and question the need to consider Kildare in a situation where the Kosovars are likely to be moving out of reception centres in the coming months. The issue of the preparation of the local community was also raised.

The Department of Justice, Equality and Law Reform cannot accept the views of the Department of Foreign Affairs in this regard. The site in question is extensive and the Kosovars occupy only a small area. A separate entrance is available for use by the asylum seekers and the site proposed for them will be some distance from the Kosovars and separated by a boundary or fence. The urgent accommodation needs of asylum seekers make it essential that mobile homes are sited at the former barracks without delay.

\* Pavilions(tents)

A pavilion is a prefabricated structure with a canvas roof and can be used for whatever number is required. It should be noted that the final decision on the use of this type of structure will be a matter for the Fire Officer in each area where they are placed. This is an expensive option and the least favoured from a fire safety perspective.

\* System built accommodation

This is accommodation which can be constructed to any specifications required. It is delivered in flat pack format and constructed on site. Depending on quality it has a life span of up to 20 years and is generally used in the Netherlands.

#### 4.2.2. Proposed Accommodation Mix

To date 1 hotel has been purchased in Dublin, and 2 others, one in Tralee and one in Rosslare Harbour are in course of being purchased with a total capacity of 280. Hotels and guest houses are being contracted on a full board basis with a capacity of 2,000. While a number of other properties are being considered for purchase and for full board contracts it is not expected that any significant number of places will become available in this way.

There is obviously a need to provide a certain number of spaces on a permanent basis and a figure of 4,000 is suggested at this stage. There is really no firm basis for this except that it is considered that there will be at least that number of asylum seekers on an annual basis. If this number does not materialise in the long term however, any properties purchased or constructed would have either re-sale value or a residual use value within the public sector.



In relation to this option a Public Private Partnership project based on a Design Build, Finance, Operate model is being proposed.

Building standard reception / accommodation centres will however take 18 months to 2 years. In the interim, there is a requirement to provide some temporary solution in lieu of these spaces and to cope with the current level of intake until we see how the numbers settle following the introduction of dispersal, direct provision and fingerprinting.

It is proposed therefore, that planning commences immediately for the provision of 3,000 places in purpose built reception / accommodation centres and pursue the purchase of other properties as they come on the market to provide a core of 4,000 permanent spaces. It is also proposed that as an interim solution 5,000 - 6,000 spaces be provided in mobile homes, system built accommodation, flotel or pavilions.

Mobile homes and system built accommodation are the most generally acceptable options but mobile homes require more site space and preparation. Prefabricated system built buildings can be provided fairly quickly but it is not possible at this point to give a precise lead time but it is understood that units should be available within a number of weeks. They will however probably require additional sites if all existing sites on offer are taken up with mobile homes.

Based on current intake there should be adequate accommodation in reception centres and full board contract accommodation in the month of April. It will be necessary however to have some mobile homes and or flotel coming on stream at the beginning of May. Contingency plans should also be in place in the event of the number exceeding 1,000 per month.

#### \* Reception Centres

The Parnell West Hotel (capacity 120) which is due to be operational in early April and a hotel in Rosslare which is in the course of purchase will be used as Reception Centres. Negotiations are at an advanced stage in relation to use of guest houses/hostels in Pembroke Road and Francis Street as Reception Centres and up to 250 asylum seekers can be accommodated in them. Two further Reception Centres catering for 30 asylum seekers each in Gardner Place and North Frederick Street will also be available. A total of 510 can be accommodated in these centres. Offers of suitable accommodation at Merchants Quay, Palmerstown and Sandycove are also being pursued.

#### \* Long Term Accommodation

Apart from those identified above as reception centres (510 spaces) properties purchased and full board contracts with the private sector will yield approximately 1,500 bed spaces giving a total of 2,000 spaces.



This leaves a balance of 6,000 spaces to be provided. It is proposed in the short to medium term to accommodate approximately 1,000 in mobile homes, 1,000 in flotels and 4,000 in prefabricated system built accommodation. To replace the temporary type accommodation, in particular flotels and to provide for needs in the longer term it is proposed that OPW be asked to proceed to build accommodation for 3,000 and to continue to pursue purchase options up to a total of 1,000 spaces which will provide 4,000 spaces in State owned properties.

Assuming Government approval for the proposed mix of accommodation and the use of temporary accommodation types it will be possible to introduce direct provision from the week beginning 10 April 2000.

#### **4.2.3 Site Requirements**

A number of site possibilities are being pursued at present. These are:

##### **\* Defence properties**

The Department of Defence have proposed 6 sites to the Department of Justice, Equality and Law Reform which are not permanently occupied. These are Kildare, Fermoy, Naas, Castleblaney, Kilrush and Lahinch and Tralee which is currently occupied. It should be noted that these barracks were closed on foot of a Government decision that they would be sold at open market prices and the proceeds invested in urgent equipment and infrastructural requirements of the Defence Forces. In this connection the Department of Finance has indicated that while the Department of Defence is entitled to a fair market rate if transferred to OPW the Minister for Finance considers that, where it arises, this should be determined bilaterally and without a third party.

He proposes that should disagreement arise over price the urgent binding recommendation of the Valuation Office should be sought.

The former Barracks at Castleblaney which was also closed in 1998 has been transferred to the North Eastern Health Board on foot of a caretaker's agreement pending completion of a final contract of sale.

From the list initially offered by the Department of Defence, two appear to hold promise in the short term for Mobile Homes / Prefabricated buildings viz: Kildare and Tralee. Firmount House, Clane, Co. Kildare may also hold promise, but this has not yet been determined.

##### **\* Department of Agriculture and Food / Teagasc properties**

One site, Lullymore in Naas, has been offered by Teagasc. This is in the process of being assessed. Teagasc will be asked to revisit this issue again to see if they can suggest more venues.

**\*OPW Sites**

OPW have a 34 acre site in Athlone which mobile homes and pavilions could be sited.

**\*Purchase options**

Negotiations with owners of suitable properties are ongoing.

**4.2.4. Contingency Accommodation**

Should the number of asylum seekers entering the country exceed expectations, the Department of Defence have been requested to provide emergency tented accommodation, including services for approximately 1000 asylum seekers, at short notice.

That Department have stated that the question of the accommodation of Asylum Seekers/Refugees in military tentage accommodation has been considered in conjunction with the military authorities who have indicated that current stocks of tentage are very limited both in quantity and capacity. The Department of Defence have indicated that military tentage is for emergency shelter of short (days) duration only. It is designed to be used in conjunction with military/field camp equipment under strictly enforced fire regulations. No heating or cooking appliances are allowed inside the tents and the Department of Defence say that such accommodation is not suitable for all weather, multi-purpose short to long-term accommodation for civilians.

The military authorities would not be in favour of co-locating asylum seekers with military personnel in permanently occupied barracks and posts.

The requirement to maintain security in military installations which would include military equipment, uniforms, armouries, ammunition stores and living quarters would, according to the military authorities, rule out such co-location.

In view of the Department of Defence observations regarding the use of tents as a contingency, it is necessary to pursue other options but sites will continue to be a requirement. It is proposed to consult further with the OPW and the Department of Defence regarding contingency plans.

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#### 4.3 Services

The full board accommodation contracts which are in place with providers throughout the country include the services required to operate the facility i.e. management team , catering, security etc.

Some flotels and system built accommodation being considered as alternative forms of accommodation to those offered from the private sector are also offered with the necessary services on a full board basis. However, other accommodation will require that the services be contracted out.

Due to the short time scale, it will not be possible to comply with public procurement directives.

What is proposed is short term contracts with providers who have directly indicated their willingness to provide the necessary services pending the full tendering process to comply with E.U. requirements. On this basis, it is envisaged that we will have contracts in place when they are required.

#### 4.4 Costs

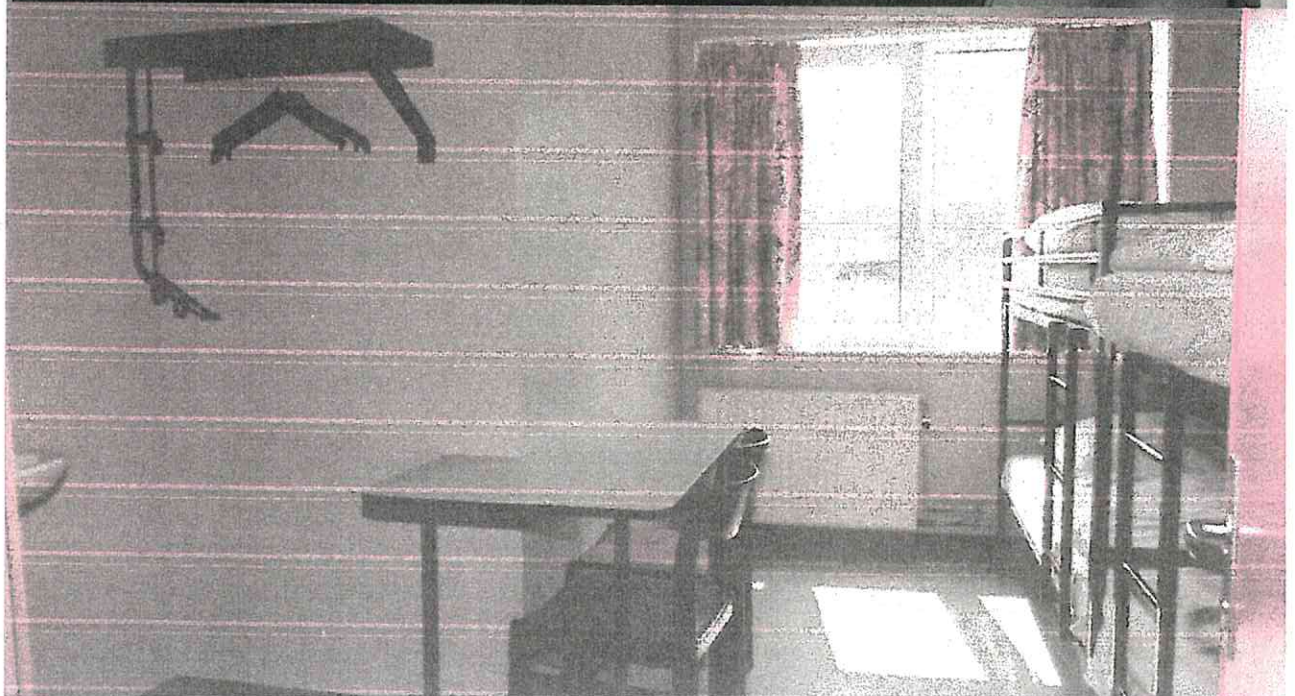
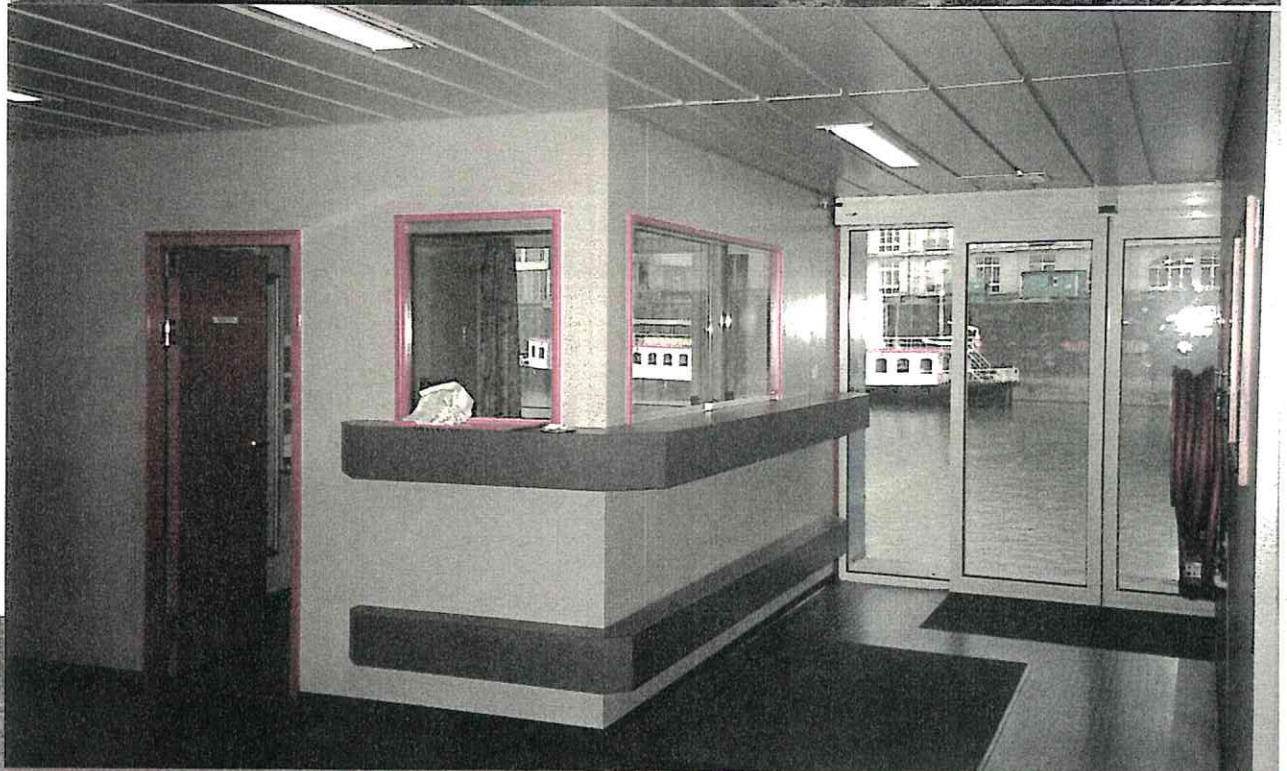
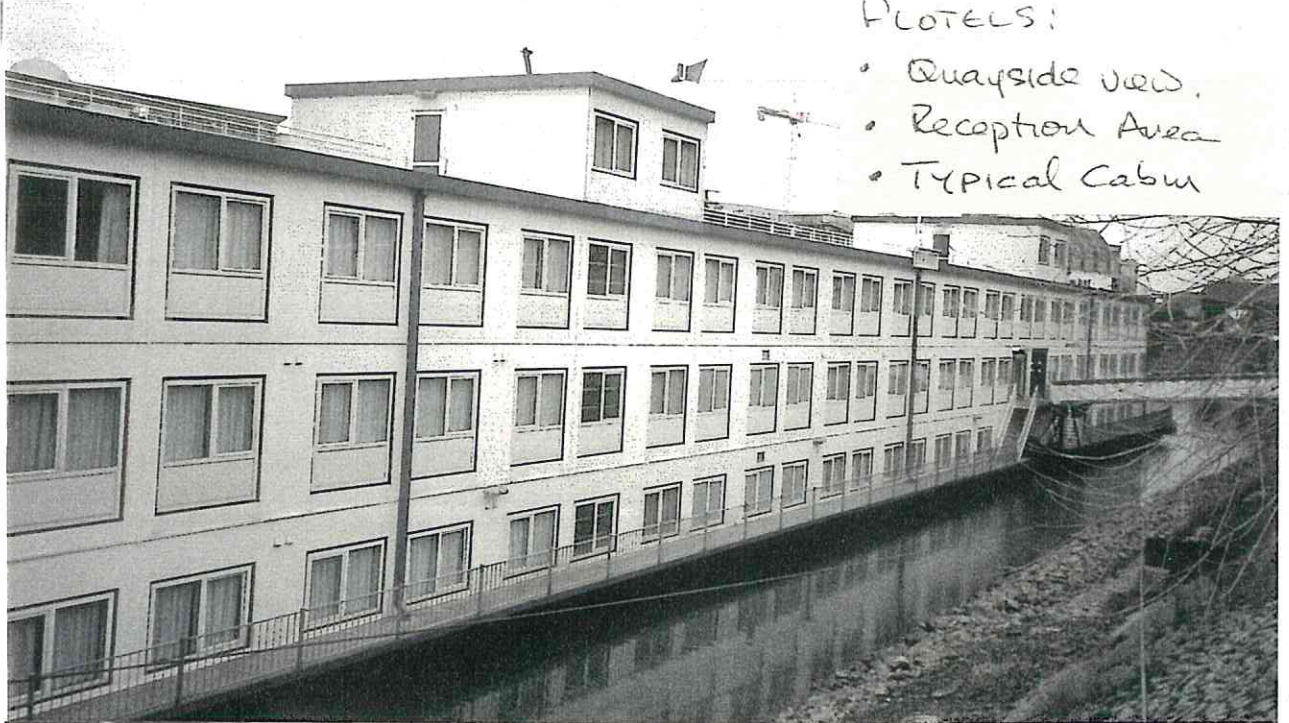
The table at Appendix 2 sets out the options, timescales and indicative costs involved with each option. Photographs of the type of accommodation referred to above are also included. The costs outlined include the full board costs in all cases. The establishment of health screening services will have cost implications which are currently being calculated and will be discussed between the Departments of Health and Children and Finance.

#### 4.5



## Hotels:

- Quayside view
- Reception Area
- Typical Cabin





6



- ROOMS:
- Corridor view
  - Kitchen
  - Dining area



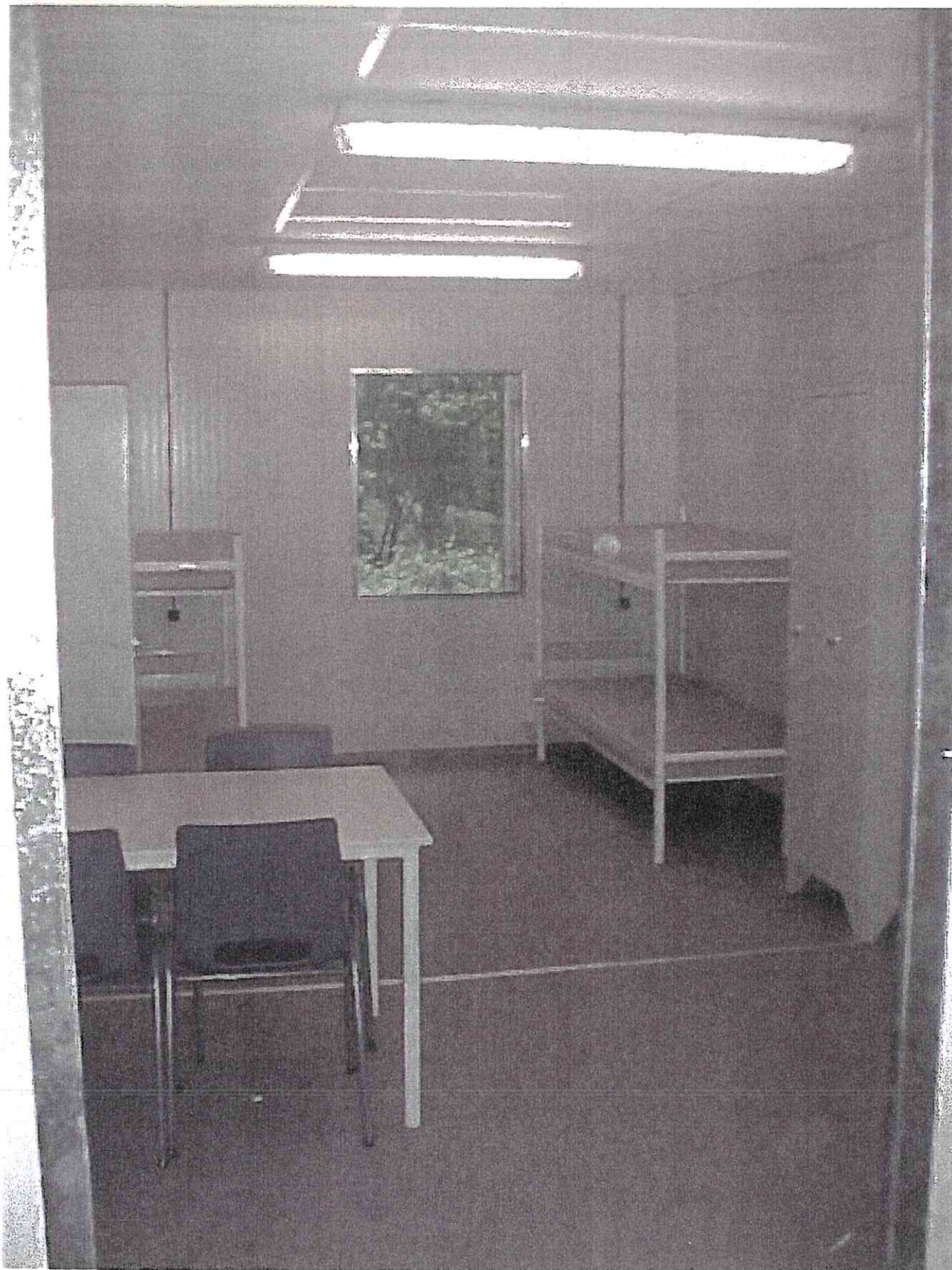


Parkinson



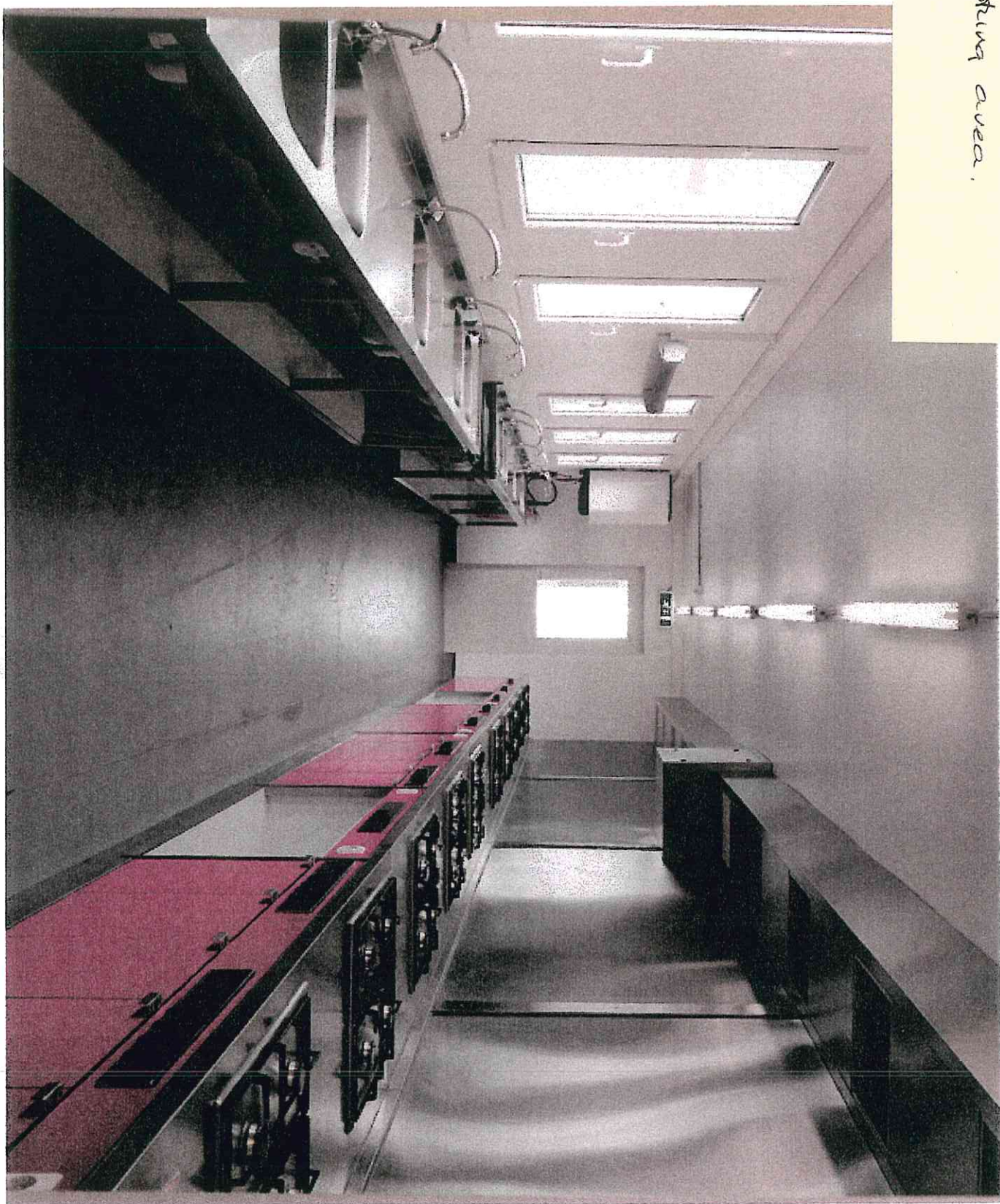


Pavilions - typical cabin  
(sleeps 4)



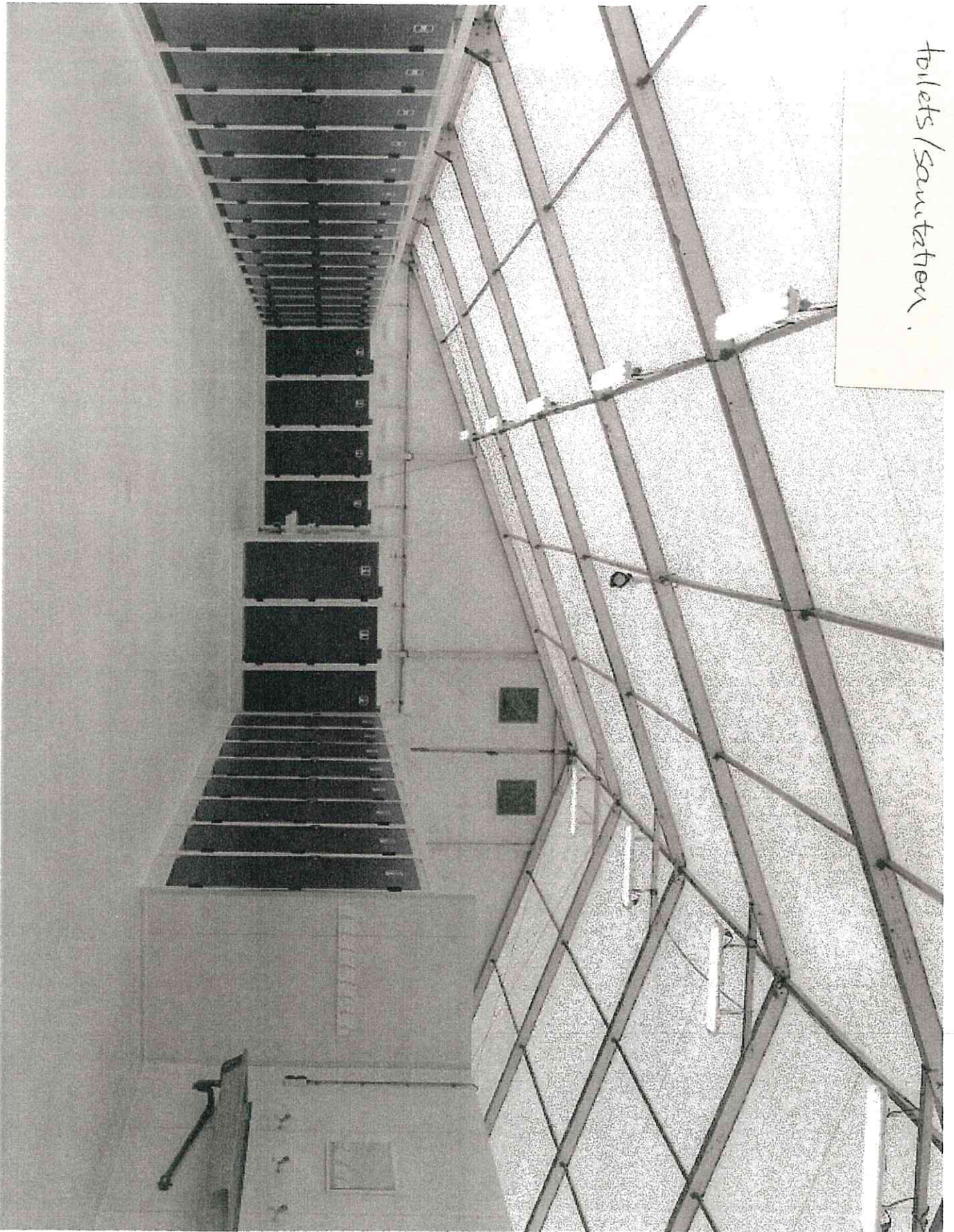


Reviews - Commercial  
ceiling area.



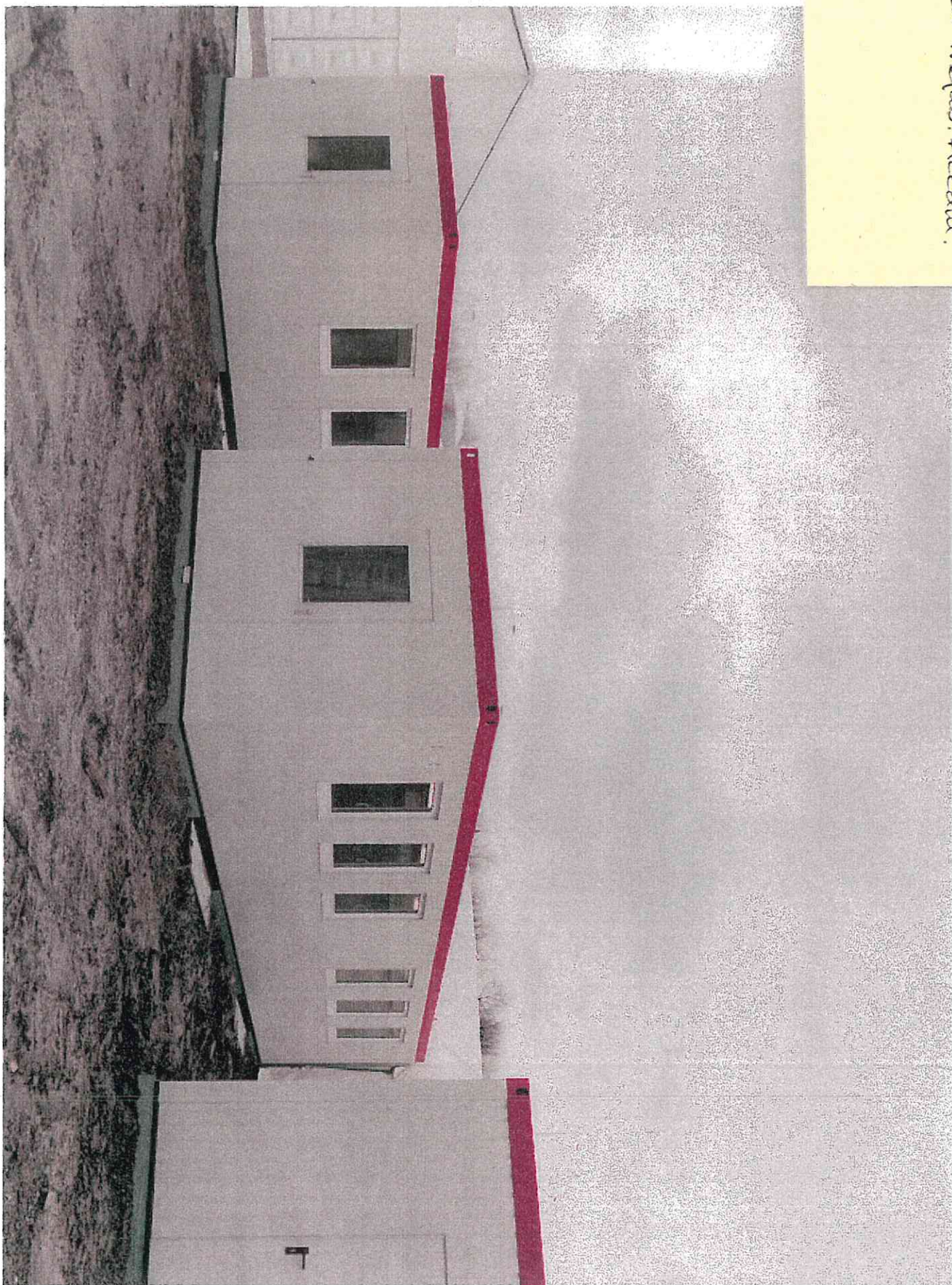


Passagers - communal  
toilets/sanitation.





Typical Prefab. Accdu.





# ASYLUM SEEKERS ACCOMMODATION PROGRAM OPTIONS AND INDICATIVE COSTS

	TYPE	Number of asylum Seekers	SITES	Capital / Leasing cost	Cost per person per day - Full Board Including all running costs	Total Annual Cost per 1000	Possible lead time
Short Term/ Medium Term  1 <sup>st</sup> April To December	Flotels with Full Board	1000 - 300-350@3 sites	_____	_____	£25:00- £30:00	£11M	3-4 weeks from confirmation by port / relevant authority
	Mobile Homes - 5 year life span approx	1000 - @ 3 sites	Dept. Defence / state owned	£11M £3.5M purchase £1M catering purch. £6.5M site prep.	£15:00	£16.5M in 1 <sup>st</sup> year £5.5M in 2 <sup>nd</sup> year	
	Pavilion - lease	1000 - contingency	Dept. Defence / state owned	£8M in year 1 which includes £2M site prep - 2 sites and £5M for the 2nd year	£15:00	£13.5M in year 1 £10.5M in year 2	3 weeks exclusive of site preparation
	Private Sector	2,000	_____		£25:00-£30:00	£11M	2-3 weeks following offer
Longer Term	Prefabricated System built - 5 to 20 year life span depending on quality	4000- 500@8 sites	Yet to be decided	£10M site prep. Huge variation in costs to be investigated and evaluated further	£15:00		4 weeks exclusive of site preparation coming on stream on a phased basis
	Property acquisition	1,000	_____	£30M	£15:00		
	Permanently built	3,000	Possible public / private partnership	£90M	£15:00		

S180/20/10/0122B

28 Márta, 2000.

An Rúnaí Príobháideach

An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

I am to refer to the memorandum ref. 69/6926/99 dated 27 March, 2000, submitted by the Minister for Justice, Equality and Law Reform concerning Asylum, Refugee and Immigration matters and to inform you that, at a meeting held today, the Government

- (4) noted progress in relation to the planning for a system of direct provision for asylum seekers including the state of play on the provision of accommodation;
- (5)
- (6) agreed that the number of places required and the costs arising under the system of direct provision for asylum seekers, including accommodation and their phasing and any offsetting savings, should be discussed further and agreed with the Minister for Finance;

- (7) agreed that mobile home accommodation be provided for asylum seekers in the former army barracks in Kildare;
- (8) agreed the proposed mix of 5-6000 places in temporary accommodation and approved the provision of permanent accommodation for 4,000 on the basis proposed in the memorandum;
- (9) decided that asylum seekers should be dispersed throughout Dublin as well as around the country;

**Oifig and Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí**  
**Office of the Minister for Justice, Equality and Law Reform**

Ref. No. 69/6926/99

17th April, 2000

**Aide Memoire**  
**Urgent Asylum Seeker Accommodation Matters**

**1. The Minister for Justice, Equality and Law Reform wishes the Government to note that;**

1.1. Serious difficulties are being encountered in securing sites for the construction of system built accommodation to accommodate 4,000 asylum seekers - as decided upon by the Government on 28 March 2000 (Ref S180/20/10/0122B).

1.2. Despite the intensive efforts of the Office of Public Works, no progress has been made in securing the agreement of Port Authorities for the provision of 3-4 berths for Flotels on which it had been intended to accommodate 1,000 asylum seekers in total.

1.3. Unless sites are secured immediately from within the public sector, the Directorate for Asylum Support Services may be unable to provide accommodation for asylum seekers beyond mid - June 2000

**2. Sites for system built accommodation**

Discussions have taken place between the Directorate for Asylum Support Services, the Office of Public Works and the Department of Defence with a view to obtaining sites for system built accommodation. However, apart from offering to make the balance of the site at Magee Barracks, Kildare available, the Department of Defence is not in a position to make further sites available at this time.

The Directorate is placing newspaper advertisements seeking to purchase or lease sites in the private sector (see Appendix A). However, any sites secured arising from these advertisements would be subject to the completion of legal and other formalities before construction could begin. In the circumstances, if the Asylum Seeker Accommodation Programme is to remain on target, sites must be secured urgently from within the public sector.

The Minister requests that Government Departments, the health boards and the local authorities make sites available immediately on which system built accommodation could be constructed. In circumstances where it is proposed to use sites at a future date for social housing or other social purposes, the Minister requests that such sites be made available for a minimum period of 6 - 12 months pending the acquisition by the Office of Public Works of more suitable sites for asylum seekers accommodation.

### **3. Contingency accommodation.**

The Directorate for Asylum Support Services met representatives of the Department of Defence and the military and asked that urgent proposals be prepared by them for the provision of emergency contingency accommodation for 500 asylum seekers. In response, the Department of Defence indicated that departmental properties at Firmount House, Clane, Co. Kildare, Lahinch Camp and Castlebar Barracks could, possibly, in an emergency situation, be regarded as suitable for short-term accommodation. The Department of Defence is of the view that even the poor standard of accommodation which is available at these locations would be of a higher standard and consequent level of suitability than tented accommodation. It was also indicated that the use of further areas of Magee Barracks for the siting of temporary short-term accommodation may be feasible. The option of using portable cabins for short-term emergency accommodation for asylum seekers was also put forward as an option by the Department of Defence.

### **4. Flotels**

The following Harbour Authorities have been contacted by the Office of Public Works seeking berthage for a Flotel:-

Sligo, Galway, Waterford, Dun Laoghaire, Dublin Port, Dublin Docklands Development Authority, Shannon Estuary Ports, Cork and Bantry.

To date, however, it has not been possible to secure agreement for the berthage of a Flotel. Difficulties encountered in relation to securing berthages include, tidal movements, mains drainage and sewage outlets, sale of quays, size of Flotels, navigational difficulties and effect on operation of ports. With the exception of Rosslare Harbour, which is controlled by Iarnród Éireann, the other Ports are either Regional Ports or Harbours, Corporatised Ports or Private Ports. Discussions have taken place with the Department of the Marine and Natural Resources but it appears that these ports cannot be compelled to accept a Flotel. Intensive efforts are being made to secure agreement to the use of Bantry and Waterford and further discussions are being initiated with the Sligo and Cork Harbour authorities but it is not clear at this stage whether a berthage can be secured.



In the event that these difficulties cannot be overcome, then additional accommodation in either system built or mobile home accommodation will be required necessitating additional sites.

## **Appendix 1**

### **Draft advertisement**

#### **ACCOMMODATION FOR ASYLUM SEEKERS**

##### **Sites Wanted**

The Directorate for Asylum Support Services under the aegis of the Department of Justice, Equality and Law Reform is seeking to purchase or lease suitable sites on which temporary accommodation can be located for the purpose of providing accommodation for asylum seekers. Sites offered should be of one and half acres or more. Sites must have, or be located near, water, power and drainage services and be reasonably close to everyday services of shops, schools and other public services. Any planning issues arising will be addressed by the Department of Justice, Equality and Law Reform. The Office of Public Works will be responsible for the provision of any buildings to be provided.

Offers of sites with a description of the services available should be made to the Directorate for Asylum Support Services, 94 St. Stephen's Green, Dublin 2.

**Telephone:** 01-4183200

**Fax:** 01-4183223

Isolated locations with no services will not be considered.

S180/20/10/0122B

18 Aibreán, 2000.

An Rúnaí Príobháideach

An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

I am to refer to the aide memoire ref. 69/6926/99 dated 17 April, 2000, submitted by the Minister for Justice, Equality and Law Reform concerning urgent asylum seeker accommodation matters and to inform you that, at a meeting held today, the Government noted the contents of the aide memoire.

**Dermot McCarthy**

Ard-Rúnaí an Rialtais

**Oifig an Aire Dli agus Cirt, Cornhionannais agus Athchóirithe Dli**  
**Office of the Minister For Justice, Equality and Law Reform**

Ref. No. S180/20/10/0122B

8 May 2000

**Memorandum for Government**  
**Urgent Accommodation Issues in Relation to Asylum Seekers**

**1. Decisions Sought**

- 1.1 The Minister for Justice, Equality and Law Reform asks the Government to :
- (a) require that the Department of Defence make sites available at Fermoy, Ballincollig and Naas Barracks for the construction of system built accommodation for asylum seekers;
  - (b) require each Minister to submit to the Minister for Justice, Equality and Law Reform as a matter of urgency, but no later than 31 May, a list of sites owned by their Departments which could be made available immediately for the construction of system built accommodation for housing asylum seekers;
  - (c) require the Minister for Health and Children and the Minister for the Environment and Local Government to ask the health boards and local authorities respectively to submit to them similar lists for onward transmission to the Minister for Justice, Equality and Law Reform as a matter of urgency, but no later than 31 May;
  - (d) note the position in relation to the operation of Direct Provision since it was introduced on 10 April, 2000;
  - (e) note the arrangements being put in place by the Office of Public Works for the provision of emergency contingency accommodation for 500 asylum seekers at sites identified by the Department of Defence as suitable in this regard;
  - (f) note the position in relation to the continuing difficulties being encountered in securing berthages for flotels;
  - (g) note the position in relation to the implications for the availability of accommodation generally, of providing full board accommodation for those awaiting deportation;
  - (h)



(i)

## **2. Background**

- 2.1 On 27 March last the Government approved (S180/20/10/0122B) the provision of permanent accommodation for 4,000 asylum seekers and a further 5,000 to 6,000 places in a mix of different types of temporary accommodation. The intended mix of temporary accommodation consists of 4,000 places in prefabricated system built accommodation, 1,000 places in mobile homes and 1,000 places in flotels. The Government also decided on 27 March that the system of direct provision should be applied to non-nationals who are subject to deportation orders and who remain in the State awaiting deportation.
- 2.2 The Directorate for Asylum Support Services, in consultation with the relevant authorities is continuing to examine the suitability of accommodation offered by proprietors of hotels, hostels, guesthouses and other privately owned properties throughout the country in response to advertisements placed by the Department of Justice, Equality and Law Reform and the Office of Public Works. Since December, approximately 1,650 asylum seekers have been resettled around the country in such accommodation. It is estimated that up to 2,000 places will be made available in this way but, unless other sources of accommodation can be found urgently, the Directorate may be unable to provide accommodation for asylum seekers beyond mid-June, 2000.
- 2.3 Following the submission of an Aide Memoire by the Minister for Justice, Equality and Law Reform on 17 April, 2000, the Government noted (Ref.S180/20/10/0122B, 18 April ) the urgency of sourcing public sector sites on which system built accommodation for asylum seekers could be constructed. Little progress has been made subsequently in this regard nor has it been possible to secure berthages for flotels. Judicial Review proceedings are being taken in the High Court by the Pembroke Road Residents Association and threatened by the Kildare Chamber of Commerce arising from Orders made by the Minister for Justice, Equality and Law Reform under Section 2 (2) of the Local Government (Planning and Development) Act, 1993 to facilitate the provision of accommodation for asylum seekers at the "No. 88" Hotel in Pembroke Road, Dublin and Magee Army Barracks, Kildare. Protests by resident and business interests have taken place at a number of locations throughout the country further exacerbating the scarcity of accommodation. While every effort is made to inform local communities as far in advance as possible of the placement of asylum seekers, and to have regard to local population and

infrastructure, this is not always possible given the scarcity of accommodation and the number of applications for asylum being made.

- 2.4. Determined efforts must be made by Government Departments, the health boards and local authorities in making sites available if a crisis in asylum seeker accommodation is to be averted.

2.5

### **3. System Built Accommodation**

- 3.1 This is accommodation which can be constructed to any specifications required. It is delivered in flat pack format and constructed on site. It has a life span of up to 20 years and is generally used in the Netherlands.
- 3.2 Discussions have taken place between the Directorate for Asylum Support Services, the Office of Public Works and the Department of Defence with a view to obtaining sites for system built accommodation. However, apart from offering to make the balance of the site at Magee Barracks, Kildare available, the Department of Defence is not in a position to make further sites available, at present, for this type of accommodation. Having regard to the fact that 238 Kosovars are already accommodated there and that it is also proposed to accommodate up to 400 asylum seekers on the site, it is not considered that further use of Magee Barracks would be justified.
- 3.3 Department of Defence sites at Renmore, Co. Galway (10 acres), Cobh (2.7 acres) and Firmount House, Co. Kildare (Circa 7 acres) may be suitable and OPW are arranging site assessments with the Department of Defence. Sites owned by the Department of Defence at Lahinch, Castlebar and Kilworth have been excluded from consideration on suitability grounds. Nonetheless, the Department of Defence has a considerable property portfolio and if 4,000 places are to be provided in system built accommodation, further Department of Defence sites are required as a matter of urgency. The sites which offer the best potential in this regard are Fermoy (19 acres) Ballincollig (150 acres) and Naas (14 acres). The sale of the Fermoy site has been agreed between the Department of Defence, Cork County Council and the IDA and any

changes to that position would require the concurrence of the County Council and the IDA. However, the need for sites for accommodating asylum seekers is urgent and the Minister proposes that the Department of Defence initiate discussions with the Council and IDA with a view to deferring the sale for a minimum of 12 months.

However, it is important that accommodation for a significant number of asylum seekers be provided in the environs of Ireland's second largest city and only 10 acres of the site would be required for the construction of system built accommodation. Given the large property portfolio held by the Department of Defence, some of which is remote.

The site at Naas is expected to come on the market shortly and given the difficulties which have arisen at Magee Barracks, it is imperative that it be made available. The Department of Defence site at Knockalisheen, Co. Clare may be suitable for the building of system built accommodation and will be assessed to this end. The Minister for Justice, Equality and Law Reform requests that sites at Fermoy, Ballincollig and Naas be made available for a minimum period of 12 months pending the acquisition by OPW of more suitable sites and that the Industrial Explosives Compound at Ballincollig be relocated to facilitate this.

- 3.4 The Minister also requests that other Government Departments, the health boards and the local authorities make sites available immediately on which system built accommodation could be constructed and that he be notified on or before 31 May of the sites available. In circumstances where it is proposed to use sites at a future date for social housing or other social purposes, the Minister requests that such sites be made available for a minimum period of 12 months again pending the acquisition by the OPW of more suitable sites for asylum seeker accommodation.
- 3.5 During week commencing 17 April the Directorate for asylum support services placed newspaper advertisements seeking to purchase or lease sites in the private sector. The advertisements indicated that the Directorate is seeking to purchase or lease sites of one and a half acres or more, which have, or are located near, water, power and drainage services and are reasonably close to shops, schools and other public services. To date, over 75 sites have been offered in response to these advertisements and these are being assessed in consultation with the Office of Public Works.

3.6



#### **4. Operation of Direct Provision**

- 4.1 Since Direct Provision was introduced on 10 April, 744 asylum seekers have been accommodated at the Reception Centres in Dublin. Of these, 323 asylum seekers have been dispersed to accommodation centres throughout the country and 112 asylum seekers have either not availed of accommodation and have disappeared. There are currently 309 asylum seekers at the Reception Centres.

#### **5. Contingency accommodation**

- 5.1 The Directorate for Asylum Support Services met representatives of the Department of Defence and the military and asked that urgent proposals be prepared by them for the provision of emergency contingency accommodation for 500 asylum seekers. In response, the Department of Defence indicated that departmental properties at Firmount House, Clane, Co. Kildare, Lahinch Camp and Castlebar Barracks could, possibly, in an emergency situation, be regarded as suitable for short-term accommodation. The Department of Defence is of the view that even the poor standard of accommodation which is available at these locations would be of a higher standard and consequent level of suitability than tented accommodation. It was also indicated that the use of further areas of Magee Barracks for the siting of temporary short-term accommodation may be feasible. The option of using portable cabins for short-term emergency accommodation for asylum seekers was also put forward as an option by the Department of Defence. On 26 April, 2000 the Directorate for Asylum Support Services requested the Office of Public Works to make urgent preparations for the provision of emergency contingency dormitory style accommodation for 500 asylum seekers on the sites (with the exception of Magee Barrack) identified by the Department of Defence as suitable for short-term accommodation.

#### **6. Flotels**

- 6.1 The following Harbour Authorities have been contacted by the Office of Public Works seeking berthage for a flotel:-

Sligo, Galway, Waterford, Dun Laoghaire, Dublin Port, Dublin Docklands Development Authority, Shannon Estuary Ports, Drogheda, Cork and Bantry.

- 6.2 To date, however, it has not been possible to secure agreement for the berthage of a flotel. Difficulties encountered in relation to securing berthages include tidal movements, mains drainage and sewage outlets, sale of quays, size of flotels, navigational difficulties and effect on operation of ports. With the exception of Rosslare Harbour, which is controlled by Iarnród Éireann, the other Ports are either Regional Ports or Harbours, Corporatised Ports or Private Ports. Discussions have taken place with the Department of the Marine and Natural Resources but it appears that these ports cannot be

compelled to accept a flotel. Intensive efforts are continuing but it is not clear at this stage whether berths can be secured. In addition, the Department of the Marine and Natural Resources have indicated that a Foreshore Lease/Licence is required prior to putting a flotel in place.

- 6.3 In the event that these difficulties cannot be overcome, then additional accommodation in either system built or mobile home accommodation will be required necessitating additional sites.



S180/20/10/0122C

9 Bealtaine, 2000.

An Rúnaí Príobháideach

An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

I am to refer to the memorandum ref. S180/20/10/0122B dated 8 May, 2000 submitted by the Minister for Justice, Equality and Law Reform concerning urgent accommodation matters in relation to asylum seekers and to inform you that, at a meeting held today, the Government

- (1) approved the proposals, as set out in paragraph 1.1, sections (b) to (i) of the memorandum; and
- (2) agreed that the Minister for Defence would consider alternative sites within two weeks.

**Dermot McCarthy**

Ard-Rúnaí an Rialtais

**Oifig an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí: Office of the  
Minister for Justice, Equality and Law Reform**

S180/20/10/0122

19 June 2000

**Aide-Mémoire to the Government**

**Accommodation for asylum-seekers: possible implications for Planning legislation**

**Decision sought**

1. The Minister for Justice, Equality and Law Reform asks the Government to note --
  - (a) certain court challenges to the State's development or use of premises for asylum-seekers; and
  - (b) the contingency steps being taken by him in consultation with the Minister for the Environment and Local Government and the Attorney General to prepare heads of proposals for legislation in the event of an unfavourable outcome in the courts.

**Background**

2. The Directorate for Asylum Support Services was established in November 1999, on foot of Government decisions S180/20/10/0017 and S180/20/10/0122 of 15 November 1999, with the remit, among other things, of providing accommodation at State expense for asylum-seekers throughout the country.

3.

4.

## Appendix 1

Orders made by the Minister for Justice, Equality and Law Reform under Section 2 (2) of the Local Government (Planning and Development) Act, 1993.

Lands being developed as mobile home sites at	Capacity
Magee Barracks Kildare	200 (50 mobile homes)
Ballymullen Barracks Tralee	200 (50 mobile homes)
OPW Site Athlone	400 (100 mobile homes)
<b>Properties</b>	
Parnell West Hotel 38/39 Parnell Square Dublin 1.	79
Viking Lodge Hotel 34/36 Francis Street Dublin 8.	110
88 Pembroke Road Dublin 4	140

S180/20/10/0122C

20 Meitheamh, 2000.

An Rúnaí Príobháideach

An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

I am to refer to the memorandum ref. S180/20/10/0122 dated 19 June, 2000, submitted by the Minister for Justice, Equality and Law Reform and to inform you that, at a meeting held today, the Government noted

- (a) certain court challenges to the State's development or use of premises for asylum-seekers; and
- (b)

**Peter Ryan**

Rúnaí Cúnta an Rialtais

Aide Memoire for the Government  
Asylum, Refugee and Immigration Matters

PROGRESS REPORT

1. The Minister for Justice, Equality and Law Reform requests the Government to note:
  - the progress report on asylum, refugee and immigration matters appended, and
  - the up to date position on the operation of direct provision arrangements including his intention to draw up, in association with the Minister for Health and Children and the Minister for Social, Community and Family Affairs, a broad set of principles (details of which are to be worked out) for use as a reference point by Community Welfare Officers on a nationwide basis in determining whether to facilitate asylum seekers on medical or social grounds outside Direct Provision.

Update on Asylum, Refugee and Immigration matters

2. A progress report on developments in relation to asylum, refugee and immigration matters is at **Annex I** to this Aide Memoire.

Update on operation of Direct Provision.

3. **Asylum seekers not availing of or leaving Direct Provision.**
  - 3.1 Since the Directorate for Asylum Support Services was established in November 1999, in excess of 2,600 asylum seekers have been dispersed. The Directorate has so far identified 900 asylum seekers who have either not availed of or have left Direct Provision (having been placed there by the Directorate) and is urgently seeking to identify further cases. On 29th June, the Directorate provided details of the 900 asylum seekers to the Department of Social, Community and Family Affairs with a view to establishing their whereabouts and whether or not they are in receipt of full Supplementary Welfare Allowance and/or other payments.
  - 3.2 That Department has so far examined 600 of these cases which, it has been established, consist of 469 households. Set out hereunder in tabular form is the outcome of the analysis undertaken of these cases to date by the Department of Social, Community and Family Affairs.



## Households

In Direct Provision now

33

Not in Direct Provision

436 broken down as follows:-

3.3

3.4

3.5

3.6

54/memoranda

#### 4. General Situation

- In relation to accommodation developments, at present, 41 full board accommodation centres are operational across 16 counties with a bed capacity of 2,034. It is anticipated that by the end of the year, bed capacity will have increased to approximately 4,000 places and that full board accommodation centres will be operating in 24 counties throughout the State.
- The Directorate has established 3 Reception Centres and 2 overflow Reception Centres in the Dublin area. In addition, 2 centres have been provided to accommodate asylum seekers travelling to Dublin for interview and for those who require accommodation out of hours.
- The Kildare Mobile Home Site, with a current capacity of 200 places, is operational and the Tralee Mobile Home Site, with an eventual capacity of 200 places, will be operational within a week. The site in Athlone, with a capacity of 400 places, is expected to become operational before the end of the month.
- Negotiations in relation to the provision of a Reception and Departure Centre on a site adjacent to Dublin Airport are at an advanced stage.
- No further progress has been made in securing berthages for flotels and further efforts are being made in conjunction with OPW and the Department of the Marine and Natural Resources to seek to progress the issue.
- An Army Officer with experience in logistics has been seconded to the Directorate to assist in the preparation of a contingency plan to accommodate up to 1,000 asylum seekers should this be required.
- In relation to the provision of 4,000 places in system built accommodation as decided by the Government at its meeting of 28th March, 2000 (Ref 69/6926/99), offers of over 300 sites have been made from within the public and private sectors. Of these, 140 have been deemed as having potential and are being assessed on a priority basis by OPW who are proposing to tender for the provision of the buildings at an early date. Progress has also been made in relation to the provision of 4,000 places in permanent accommodation, which was also approved by Government. It is intended that this accommodation will be provided by way of public/private partnership and an Information Memorandum will be made available shortly by OPW to parties seeking to negotiate for the provision of this accommodation.

S180/20/10/0122C

25 Iúil, 2000.

An Rúnaí Príobháideach

An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

I am to refer to the aide memoire ref. 69/6845/99 dated 21 July, 2000, submitted by the Minister for Justice, Equality and Law Reform and to inform you that, at a meeting held today, the Government noted

- (1) the progress report on asylum, refugee and immigration matters, appended to the memorandum; and
- (2) the up to date position on the operation of direct provision arrangements including the Minister's intention to draw up, in association with the Minister for Health and Children and the Minister for Social, Community and Family Affairs, a broad set of principles (details of which are to be worked out) for use as a reference point by Community Welfare Officers on a nationwide basis in determining whether to facilitate asylum seekers on medical or social grounds outside Direct Provision.

**Dermot McCarthy**

Ard-Rúnaí an Rialtais

Oifig an Aire Gnothai Soisialacha, Pobail and Teaghlaigh

**Aide Memoire on social welfare aspects of the asylum issue**  
25 July 2000

The Minister would highlight the following points:

**Large numbers not availing of Direct Provision**

2629 asylum seekers arrived in Ireland between 10<sup>th</sup> April 2000 when Direct Provision was introduced and 19<sup>th</sup> July 2000. Of these:

**45% are in Direct Provision**

**One Working Group set up, another proposed**

In response to concerns raised by a number of groups, a Working Group is examining the Needs Assessment rules in Direct Provision cases - £15 payment to adults, £7.50 for children and the refusal of Rent Supplement in most cases. The Group has received a number of submissions from Health Boards, unions and other interested parties and will report later this year.

In the meantime, it is proposed to set up another Working Group to examine the medical and social circumstances in which exceptions to Direct Provision are made and to develop guidelines for use by the Health Boards and the Directorate. This will, inter alia, address concerns expressed by the Department of Health and Children in relation to ensuring that asylum seekers receive appropriate health care.

Oifig an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

Office of the Minister for Justice, Equality and Law Reform

Ref. No. 69/6926/99

27 October, 2000

Memorandum for Government

Asylum, Refugee and Immigration matters - UPDATE

2. Matters to note

The Minister for Justice, Equality and Law Reform asks the Government to note the Memorandum on asylum, refugee and immigration matters at **Annex 1** which was submitted to the Cabinet Committee meeting of 23 October, 2000 and the following matters which were agreed at that Cabinet Committee meeting :

- i. [REDACTED]
- ii. the OPW to progress, as a matter of urgency, the identification and development of sites for contingency, mobile home, prefabricated and permanent accommodation.
- iii. [REDACTED]
- iv. [REDACTED]



#### **4. Direct Provision and Dispersal - accommodation shortfall**

Paragraph 3.5 of the Minister's report at Annex 1 sets out in detail the position in relation to the shortfall in accommodation for the purposes of direct provision and dispersal of asylum seekers.

The Directorate is encountering serious difficulties in sourcing additional places in the commercial sector. No progress has been made in securing berthages for Flotels. The OPW has indicated that it could be mid 2001 before System Built accommodation comes on stream. The OPW has also indicated that it could take 2 years to secure permanent built accommodation through Public Private Partnership.

Based on the increased number of asylum applications over recent months and the difficulties being encountered in sourcing further accommodation in the commercial sector, the Directorate estimates that, based on current intake and usage, family accommodation will not be available beyond late November/early December, 2000 and that accommodation for single asylum seekers currently being contracted will last until January, 2001.

This situation is a cause of serious concern to the Minister for Justice, Equality and Law Reform and it is vital that the OPW's programme of pre-fabricated buildings and the public private

partnership accommodation is brought on stream as a matter of urgency, in the light of the continuing intake of asylum seekers.

In the interim, the Directorate is continuing with its efforts to source accommodation in the private sector by entering into contractual arrangements with hoteliers, guesthouse owners, hostel owners and providers of mobile home sites. However, difficulties are being encountered in securing further accommodation in this sector and it can by no means be assumed that this sector can continue to meet the shortfall in other sectors of the Asylum Seeker Accommodation Programme.

In the interim, the Directorate in conjunction with OPW is urgently seeking sites for the construction of contingency accommodation - i.e. Pavilion type accommodation which can be brought on stream quickly should the need arise and sites for mobile homes, prefabricated and permanent accommodation.

**Summary  
Memorandum  
for Cabinet Committee meeting of 23 October, 2000  
Asylum, Refugee and Immigration Matters**

1. The Minister for Justice, Equality and Law Reform wishes to report to the Cabinet Committee on the **asylum, refugee and immigration strategy** with particular reference to developments in the following areas :

- [REDACTED]
- Reception and accommodation;
- [REDACTED]

2.  
2.1
- [REDACTED]

**3. Reception and accommodation  
Direct provision and dispersal**

- 3.1 Since Direct Provision was introduced on 10th April, 2000, the Directorate for Asylum Support Services has dispersed over 3000 asylum seekers throughout the country. The Directorate is currently operating 3 main Reception Centres and 5 overflow Reception Centres in the Dublin area. There are currently 54 Accommodation Centres and three mobile home centres operating in 17 counties throughout the State where asylum seekers are accommodated while their applications for asylum are being processed.

**Difficulties encountered in the operation of direct provision**

- 3.2 The difficulties encountered in the operation of direct provision, include persons not availing of or leaving direct provision, planning difficulties and accommodation shortages. These are discussed in detail at paragraphs 3.2 to 3.6 of the main Memorandum.

**Establishment of the Reception and Integration Agency**

- 3.3 The Reception and Integration Agency, which will replace the Directorate for Asylum Support Services and incorporate the Refugee Agency, will operate on a non-statutory

basis with an Interim Advisory Board pending the enactment of legislation. The Interim Advisory Board is in the process of being appointed by the Minister.

4.  
4.1

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5.  
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**Memorandum**  
**for Cabinet Committee meeting of 23 October, 2000**  
**on**  
**Asylum, Refugee and Immigration Matters**

1. The Minister for Justice, Equality and Law Reform wishes to report to the Cabinet Committee on the **asylum, refugee and immigration strategy** with particular reference to developments in the following areas :



- Reception and accommodation;

2.

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### **3. Reception and accommodation**

#### **Direct provision and dispersal**

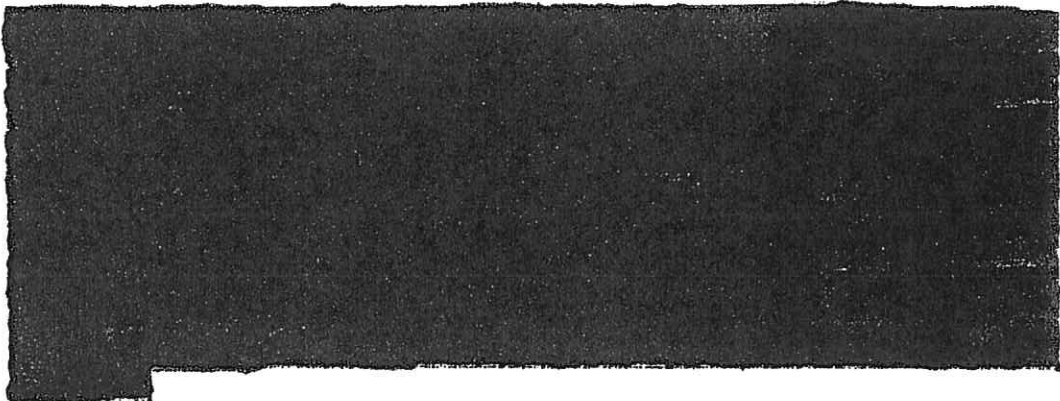
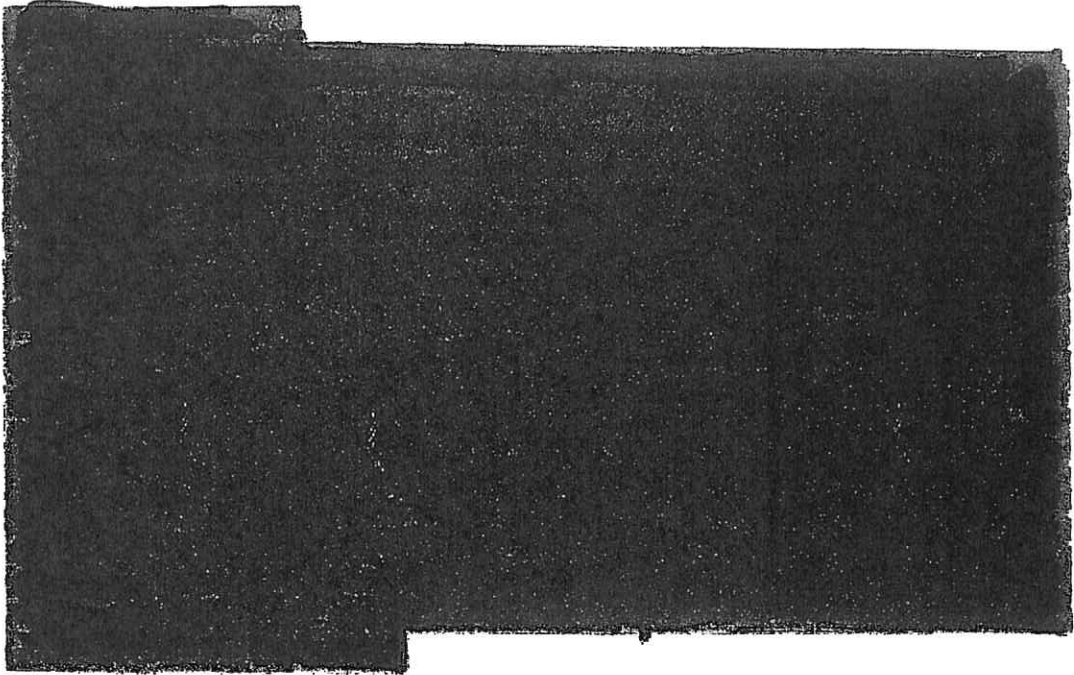
- 3.1 Since Direct Provision was introduced on 10th April, 2000, the Directorate for Asylum Support Services has dispersed over 3000 asylum seekers throughout the country. The Directorate is currently operating 3 main Reception Centres and 5 overflow Reception Centres in the Dublin area. There are currently 54 Accommodation Centres and three mobile home centres operating in 17 counties throughout the State where asylum seekers are accommodated while their applications for asylum are being processed. Inspections of all the Centres then operating were undertaken by the Directorate during July and, in general, they were found to be operating satisfactorily. Full day inspections of all Centres are being carried out by the Directorate at present and it is envisaged that a dedicated Inspectorate will be established in the New Year.

#### **Difficulties encountered in the operation of Direct Provision.**

- 3.2 **Asylum Seekers not availing of or leaving Direct Provision.**  
It has been established that since Direct Provision was introduced in April, about 2,800 asylum seekers have either not availed of or have left Direct Provision. Details of the majority of such asylum seekers have been passed to the Department of Social Community and Family Affairs. Having analysed 600 cases (439 households), that Department has determined that 339 households are not in receipt of Supplementary Welfare Allowance while the balance of 97 households are in receipt of Supplementary Welfare Allowance (generally for medical or social reasons). The outcome of the analysis by that Department on the remaining cases is expected shortly.
- 3.3 In this connection, the Government noted (S180/20/10/0122C of 25th July, 2000) the intention of the Minister for Justice, Equality and Law Reform to draw up, in association with the Ministers for Health and Children and Social Community and Family Affairs, a broad set of guiding principles for use by Community Welfare Officers on a nationwide basis in determining whether to facilitate asylum seekers on medical or social grounds outside Direct Provision. A Working Group established for the purpose envisages having the guidelines drawn up shortly. Nonetheless, in the majority of the cases so far identified, the asylum seekers involved have no visible means of support and may be in the employment market - presumably on an illegal basis. This aspect is being pursued with the Department of Enterprise, Trade and Employment, in the context of the legislation being contemplated by that Department in this area.

It may also, of course, be the case that some of the asylum seekers in question have left the State.

3.4



3.5 **Accommodation shortfall.**

On 28th March, 2000, the Government agreed (S180/20/10/0122B), inter alia, an accommodation mix put forward by the Minister for Justice, Equality and Law Reform. The proposed accommodation mix envisaged 2,000 places in the commercial sector, 1,000 places in mobile homes, 1,000 places in Flotels, 4,000 places in System Built accommodation and 4,000 places in permanent built accommodation. To date, the Directorate has sourced 3,100 places in the commercial sector and OPW have provided 1,000 places in mobile homes. The Directorate are encountering significant difficulties in sourcing additional places in the commercial sector. A further advertisement inviting applications from persons in the commercial sector interested in providing full board accommodation will appear in most regional newspapers in late October. No progress has been made in securing berthages for Flotels because of the reluctance of Harbour Authorities to accept them and OPW have indicated that it could be mid- 2001 before System Built accommodation comes on stream. It is proposed that the permanent built accommodation be secured through Public Private

Partnership and OPW have advised that this could take 2 years or longer to come on stream. In this connection, little progress has been made in securing sites from the State Sector despite sustained pressure from the Minister for Justice, Equality and Law Reform. To date the only site which has been made available, for system built or permanent built accommodation is a Department of Defence site at Knocklisheen, County Clare and work on developing this site has already commenced. In the circumstances, the Minister for Justice, Equality and Law Reform has no option but to consider using sites attached to or adjacent to prisons.

- 3.6 Based on the increased number of asylum applications over recent months and the difficulties being encountered in sourcing further accommodation in the commercial sector, the Directorate estimates that family accommodation will not be available beyond late November/early December, 2000 on current intake and usage and that accommodation for single asylum seekers currently being contracted will last until January, 2001. This situation is a cause of serious concern to the Minister for Justice, Equality and Law Reform and the matter is being pursued as a matter of urgency with OPW. In the interim, the Directorate is continuing with its efforts, to source accommodation in the private sector by entering into contractual arrangements with hoteliers, guesthouse owners, hostel owners and providers of mobile home sites.

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**Oifig an Aire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí**

**11th February 2003.**

**Note for the Minister for Government**

**Irish born children of asylum seekers - correspondence from Masters of Dublin maternity hospitals, provisions under the Supplementary Welfare Allowance Scheme and Local Authority Housing Policy.**

**Introduction.**

1. The Minister for Justice, Equality and Law Reform wishes to bring to the attention of the Government issues raised in correspondence from the Masters of the Rotunda, Coombe and National Maternity Hospitals (Appendix I) concerning the impact on services due to the number of pregnant asylum seekers relocating to Dublin having been granted a rent supplement under the provisions of SWA Circular No. 05/00 from the Department of Social and Family Affairs (DSFA), together with issues arising on foot of correspondence (Appendix II) between the Community Welfare Services of the Mid-Western Health Board and the Coombe Hospital. He also wishes to draw attention to the need for local authorities to adopt housing policies consistent with the recent Supreme Court Judgement (paragraph 5).

**Decisions re the award of Rent Supplements in light of the Supreme Court Judgements**

2. The Minister is of the view that following the Supreme Court Judgement of 23rd January, 2003 (and notwithstanding the fact that he will be reporting shortly to Government on his proposals to address the wider issues arising from the Judgement) there is an urgent need for revised instructions to issue to Community Welfare Officers (CWOs) which set out the circumstances governing the award of a rent supplement to the non national parents of Irish born children (IBC cases). Currently the award of a rent supplement (which acts as a gateway to full welfare payments) is paid to asylum seekers in the late stages of pregnancy and to the parents of Irish born children in line with the guidance contained in SWA Circular No. 05/00 which was issued to health boards by the Department of Social and Family Affairs in May 2000. The current difficulty arises where, notwithstanding the fact that the parents have no entitlement to reside in the State following the recent Supreme Court Judgement, Circular 05/00 is generally interpreted by CWOs to mean that they have an almost automatic right to the award of a rent supplement and full welfare payments **"where a pregnant women is close to full term and requests not to be accommodated in direct provision"**. (See correspondence at Appendix II)

**Resettlement and Maternity Services**

3. While the awarding of rent supplements to persons not lawfully in the State and asylum seekers will be prohibited under the terms of the Social Welfare (Miscellaneous Provisions) Bill 2003 (when enacted) it is likely to be some months before this provision takes effect. In the interim, the terms of Circular No. 05/00 continue to have effect, thereby conferring on pregnant asylum seekers the right to source their own housing in the private rented sector while in receipt of rent supplements and full welfare payment. There has been little or no decline in the number of asylum



applications since the publication of the Supreme Court Judgement and there are currently over 100 pregnant asylum seekers (who would have entered the State in the past 7 - 10 days) in the Dublin Reception Centres operated by the Reception and Integration agency.

If the current practice by health boards continues, these applicants as well as all others in a similar situation who continue to enter the State, will be able to access full welfare payments.

#### **The need for new guidance on the award of a Rent Supplement to Asylum Seekers.**

4. There is an urgent need for the Department of Social and Family Affairs to withdraw Circular No. 05/00 and simultaneously issue a new Circular to give updated guidance to health boards regarding rent supplement claims from asylum seekers who seek to leave direct provision accommodation operated by the Reception and Integration Agency (RIA). The Circular should make it clear that where an asylum seeker, who is pregnant or has an Irish born child, makes application for a rent supplement, such an application must be determined having regard to the regulations governing the award of a rent supplement and the principal legislation in that a health board must be satisfied that the person has a need for accommodation before awarding a supplement. That need in respect of asylum seekers is met by the system of direct provision and there is no question of mothers and infant children being rendered homeless. The effect of the change being sought will be to deny automatic access to the private rented sector (as outlined in the circumstances in the correspondence at Appendix II).

The Minister is concerned that there be no further delay in addressing this serious pull factor and to that end, he proposes that immediate discussions take place between his Department and the Department of Social and Family Affairs on the terms of a new Circular as set out above. He also proposes that a report be submitted on progress to the next meeting of the Government.

#### **Applications for local authority social housing from asylum seeker I.B.C. Cases.**

5. Local authorities are responsible for the provision of accommodation to persons in respect of whom a declaration within the meaning of section 17 of the Refugee Act 1996 is in force. Current public housing policy also allows asylum seekers who are parents of Irish born children, **and who have been granted humanitarian leave to remain**, the right to be included on a local authority housing list on the same basis as the indigenous population. The Minister is strongly of the opinion that, given the terms of the Supreme Court Judgement, it is essential that local authorities do not consider the parents of Irish born children who have not been given humanitarian leave to remain as being eligible for inclusion on their social housing lists and he requests that the Minister for the Environment and Local Government should advise local authorities accordingly.





Coombe  
Women's Hospital



The National  
Maternity Hospital



The Rotunda  
Hospital

SD/ff

20<sup>th</sup> January 2003

Department of Justice,  
Equality and Law Reform

27 JAN 2003

Minister's Office

Minister Micheal McDowell  
Minister for Justice, Equality & Law Reform  
Department of Justice, Equality & Law Reform  
72-76 St Stephen's Green  
Dublin 2

Dear Minister McDowell,

We are writing to you in order to make you aware of the ongoing problems that we are experiencing with asylum seekers and non-nationals. We appreciated the meeting that we had with you last year and our understanding from that meeting was that you wished to be updated on the ongoing difficulties. We have also met with Minister Martin and discussed this issue.

What is currently happening is that many women who have low-risk pregnancies are being allocated housing and given access to maternity care in areas other than Dublin. Unfortunately, the Department of Social Welfare and the Welfare Officers pay women their entitlements at 32 weeks of pregnancy. This then allows them to relocate to Dublin and they arrive into any of the three Dublin Maternity Hospitals in labour, having received no antenatal care and we have no access to important medical information, such as their HIV status. This severely compromises our ability to deliver care.

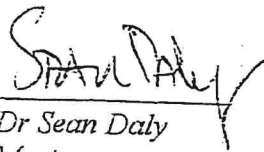
We cannot emphasise strongly enough the importance of a unified approach by the various Government Departments in dealing with this problem. If your Department and the Department of Health recognize the difficulties of retaining many thousands of women in Dublin, then the Department of Social Welfare needs to ensure that welfare payments are not being made available until after the delivery of the baby and that they can only be claimed in the region where accommodation and medical services are being provided. As a point of illustration, please find enclosed a note to a member of the staff here in the Coombe Women's Hospital from the Midwestern Health Board.

Joint Standing Committee Of The Dublin Maternity Hospitals  
Institute Of Public Administration  
57-61 Lansdowne Road Dublin 4. Phone: 01-6686233 Fax: 01-6689135  
Chair: Miriam Hederman O'Brien Secretary: Jane O'Reilly

*We would be most grateful if you could do something in terms of co-ordinating the Government's approach to this problem.*

*With best wishes,*

*Yours sincerely,*



*Dr Sean Daly*  
*Master*  
*Coombe Women's Hospital*



*Dr Michael Geary*  
*Master*  
*Rotunda Hospital*



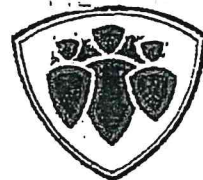
*Dr Declan Keane*  
*Master*  
*National Maternity Hospital*

Encl. 1

7 JAN. 2003 15:59

..ROCHE

NO. 222



07/01/03

MID-WESTERN  
HEALTH BOARD

Ms. Denise Walsh, G.P.P.  
Coombe Hospital,  
Dublin.

Attention Denise

Dear Ms. Walsh,

Further to our conversation earlier today, I would like to confirm that it is Board Policy that Asylum Seekers who are at 32 week stage of pregnancy are allowed to move into private rented accommodation. They are facilitated by receiving a rent supplement. The supplement is the same as that available to the indigenous population. Clients have the right to choose their own destination with the 26 counties. Asylum Seekers are also entitled too a confinement grant of €160.00 when they reach the 32 week stage of pregnancy.

If I can be of further assistance to you, please do not hesitate to contact me.

Yours sincerely,

CWO

COMMUNITY WELFARE  
DEPARTMENT,  
ASYLUM SEEKERS UNIT,  
KNOCKALISHEEN,  
CO. CLARE, IRELAND.  
TEL 00353 (0) 61 459330  
FAX 00353 (0) 61 329246  
Website : [www.mwhb.ie](http://www.mwhb.ie)

S180/20/10/0122D

11 Feabhra, 2003.

An Rúnaí Príobháideach

An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

I am to refer to the aide memoire dated 11 February, 2003, submitted by the Minister for Justice, Equality and Law Reform concerning issues raised in relation to housing for pregnant asylum seekers and to inform you that, at a meeting held today, the Government noted the contents of the aide memoire.

**Dermot McCarthy**

Ard-Rúnaí an Rialtais